



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5798 of 2022

Sathis Kumar

... Petitioner/Accused

Vs

State represented by its
The Inspector of Police,
Rayappanpatty Police Station,
Theni District.
(Crime No.196 of 2018).

... Respondent/Complainant

For Petitioner : Mr.A.UTHAYAKUMAR,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor.

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in connection with the case in Spl.S.C.No.8 of 2019 before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, in Crime No.196 of 2018 on the file of the Respondent Police.

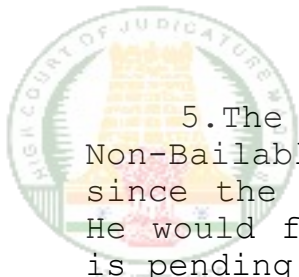
ORDER : The Court made the following order :-

The petitioner/accused is facing a case for the offences punishable under Sections 5(k) and 6 of POCSO Act, 2012, in Spl.S.C.No.8 of 2019, on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, in Crime No.196 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed penetrative sexual assault on the victim girl. Hence, the complaint.

3.It is evident from the records that since the petitioner has not turned up for the hearing on 26.02.2021, Non-Bailable Warrant was ordered to be issued and the same was executed on 22.09.2021 and the petitioner is still in judicial custody.

4.The learned counsel for the petitioner would submit that the petitioner has been appearing all the hearings and that due to COVID-19 restrictions, he did not appear for the hearing on 26.02.2021 and hence, Non-bailable Warrant was ordered to be issued.



5.The learned Additional Public Prosecutor would submit that Non-Bailable Warrant was ordered to be issued for the first time since the petitioner has not turned up for the particular hearing. He would further submit that charges were framed and that the case is pending for trial.

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6.Considering the above facts and also the facts that the petitioner is in judicial custody from 22.09.2021 and that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the trial Court daily at 10.30 a.m., on all working days until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/03/2022

/ TRUE COPY /

29/03/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THENI.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE OFFICER INCHARGE,
THEKKAMPATTY,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
RAYAPPANPATTY POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.UTHAYAKUMAR.A Advocate SR.No.2605

ORDER

IN

CRL OP(MD) No.5798 of 2022

Date :29/03/2022

SA/VR/SAR.2/29.03.2022/3P/6C