



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 21/04/2022

CORAM

THE HON`BLE MR.JUSTICE K.MURALI SHANKAR

CRL OP(MD) . No.6816 of 2022

WEB COPY

Maharaja : Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Srivaikundam, Thoothukudi.
(Crime No.22 of 2021)

: Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 r/w. Section 439(1)(b) of Cr.P.C., to modify the condition imposed by the learned Special Judge in the order passed in the Bail petition in Cr.M.P.No.251 of 2022, dated 18.03.2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, in the FIR in Crime No.22 of 2021 registered on the file of the respondent Police in respect of the condition Nos.1 and2.

For Petitioner : Mr.P.M.Vishnuvarthanan,

For Respondent : Mr.M.Muthu Manikkam,

Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition has been filed seeking modification of the conditions imposed by the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, in Crl.M.P.No.251 of 2022, dated 18.03.2022, wherein, the learned Judge directed the petitioner to produce two sureties certificate obtained from the Tahsildar of the respective Taluk only and in case it is issued by an officer below the rank of Tahsildar, it will be rejected summarily and one of the surety shall be the blood relative of the accused.

2. It is evident from the records that the learned Special Judge has granted statutory bail under Section 167 Cr.P.C. It is settled law while granting statutory bail, onerous conditions should not be imposed.

3.The learned counsel for the petitioner would submit that the petitioner is Coolie worker and is not having any means and he is also not having any friends and relatives and as such, he is not in a position to produce the certificate as directed by the learned Special Judge.



4.It is not in dispute that the petitioner was arrested on 19.12.2021 and he is in judicial custody till now.

5.Considering the above facts and also taking note of the onerous condition imposed by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Thoothukudi, this Court is inclined to modify the condition imposed by the learned Special Judge and the petitioner is directed to execute a bond for a sum of Rs.20,000/- with two sureties and the other conditions imposed by the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Thoothukudi, shall remain unaltered.

6.In view of the above, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Special Judge for Exclusive
Trial of Cases under POCSO Act, Thoothukudi.

2.The Inspector of Police,
All Women Police Station, Srivaikundam,
Thoothukudi.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.M. VISHNU VARTHANAN, Advocate (SR-20770[F]
dated 25/04/2022)

ORDER

IN

CRL OP(MD) . No.6816 of 2022

Date : 21/04/2022