



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2022

WEB COPY

CORAM

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.8406 of 2022

Ukirapandi : Petitioner/Petitioner/Accused

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.
Crime No.22 of 2021.

: Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 r/w. Section 439(1)(b) of Cr.P.C., to modify the condition No.1 in CrI.M.P.No.1273 of 2021 passed by the Court of Sessions Judge, PrI. Special Court for Trial of Case under POCSO Act, Madurai, dated 18.11.2021 in connection with Crime No.22 of 2021 on the file of the respondent Police.

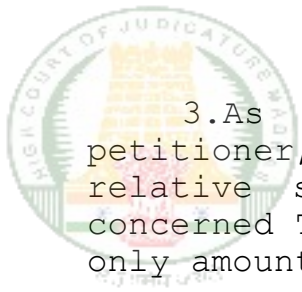
For Petitioner : Mr.B.Mahendrarajan, B.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Criminal Side)

O R D E R

The Criminal Original Petition has been filed seeking orders to modify the condition imposed by the learned Sessions Judge, Special Court for Trial of Case under POCSO Act, Madurai, in Cr.M.P.No.1273 of 2021, dated 18.11.2021.

2.It is seen from the records that the learned Sessions Judge, Special Court for Trial of Case under POCSO Act, Madurai, while granting bail, has directed the petitioner to produce the nativity certificate and permanent residential proof along with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, and one of them should be a blood relative and the solvency certificate shall be dully attested by concerned Tahsildar.



3.As rightly contended by the learned counsel for the petitioner, imposing conditions directing for production of blood relative surety and the solvency certificate duly attested by concerned Tahsildar are onerous and imposing of such condition would only amount to denial of bail.

4.It is settled law, that the Hon'ble Supreme Court as well as this Court, in number of judgments, have specifically held that while enlarging the accused on bail, onerous conditions should not be imposed.

5.Considering the above, this Court is inclined to modify the condition imposed by the learned Sessions Judge, Special Court for Trial of Case under POCSO Act, Madurai, in Cr.M.P.No.1273 of 2021, dated 18.11.2021 and the petitioner is directed to execute a bond for a sum of Rs.25,000/- along with two sureties for like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Case under POCSO Act, Madurai and the other conditions imposed by the learned Sessions Judge shall remain unaltered.

6.With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS II)

// 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 Sessions Judge, Prl. Special Court for
Trial of Case under POCSO Act, Madurai

2.The Inspector of Police,
All Women Police Station,
Thirupparankundram, Madurai District.

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

CRL OP(MD). No.8406 of 2022

Date : 29/04/2022

MGJ(19.05.2022) 2P 4C

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