



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2022
PRESENT

The Hon'ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD).No.9210 of 2022

Tamilvanan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District
(Cr.No.41 of 2013)

... Respondent/Complainant

For Petitioner : Ms.Geetha.C,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.41 of 2013 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 29.04.2022 for the offences under Sections 4, 5(1) r/w 6 of Protection of Children from Sexual Offences Act 2012, in Cr.No.41 of 2013, on the file of the respondent police, seeks bail.

2.Since, the petitioner did not appear before the trial Court, Non Bailable Warrant was issued on 03.01.2020. The petitioner was arrested on execution of Non Bailable Warrant on 29.04.2022.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and he was unable to appear before the trial Court on the said hearing date only. Due to which, Non Bailable Warrant came to be issued and the petitioner was remanded to custody, pursuant to the execution of Non Bailable Warrant on 29.04.2022.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner was secured with much difficulty and if he is released on bail, there will not be any



progress in the trial. Hence he opposed to grant bail to the petitioner.

5.Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

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

(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 respondent police as and when required for interrogation. However, the petitioner shall appear before the trial Court on all hearing dates without fail;

(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]***.

sd/-

18/05/2022

/ TRUE COPY /

18/05/2022

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,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT CASES,
THOOTHUKUDI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC TO M/S.C.GEETHA, Advocate (SR-4786[I] dated 19/05/2022)

ORDER

IN

CRL OP(MD) No.9210 of 2022

Date :18/05/2022

RS/JM/SAR.2 (18.05.2022) 3P-6C