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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19333 of 2022

Paramasivam

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
(Crime No.16 of 2017)

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu, Advocate
for Mr.V.Kathirvelu, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

To grant Bail for the petitioner / Accused in Special S.C No. 26 of 2019 on the file of Sessions Judge, Special Court for POCSO Cases, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner/sole accused, who is facing a case for the offence under Section 417 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, in Special.C.C.No.26 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Cases, Tirunelveli, in Crime No.16 of 2017 on the file of the respondent police, seeks bail.

2.During the course of trial in Special.C.C.No.26 of 2019, the petitioner was absent before the learned Sessions Judge, Special Court for POCSO Cases, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued against him on 12.08.2022 and the same was executed on 14.10.2022. From onwards, he is in custody.

3.The learned counsel appearing for the petitioner would submit that due to ill-health of the petitioner, he could not appear before



the learned Sessions Judge, Special Court for POCSO, Tirunelveli, on 12.08.2022 for hearing. Therefore, Non-Bailable Warrant was issued against him on 12.08.2022. Thereafter, he was arrested and remanded in judicial custody on 14.10.2022. Hence, he prays for bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued on 12.08.2022 and the petitioner was secured only on 14.10.2022. He would further submit that because of non-appearance of the petitioner, the case is pending without any progress. Hence, he strongly opposed to grant bail.

5. Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 28.06.2022 and that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Cases, Tirunelveli.

(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 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/-

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02/11/2022

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



To

- 1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO CASES, TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-12253[I] dated 02/11/2022)

ORDER

IN

CRL OP(MD) No.19333 of 2022

Date :02/11/2022

CP

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