



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.21134 of 2022

Ganesh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Junction Police Station,
Tirunelveli District.
(Crime No.187 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Appaji C K M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner on bail in Spl.C.C.No.4 of 2020 on the file of the Sessions Court, Special Court for POCSO Act Cases, Tirunelveli, in connection with Crime No.187/2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing a case for the offence under Sections 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012, in Spl.C.C.No.4 2020 on the file of the Sessions Court, Special Court for POCSO Act Cases, Tirunelveli, in crime No.187 of 2019 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in Spl.C.C.No.4 2020 before the Sessions Court, Special Court for POCSO Act Cases, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued on 06.11.2022 and the same was executed on 07.11.2022 and he is still in judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner belongs to remote village and also a seasonal worker. Due to failure of communication of the petitioner, he did not appear before the Sessions Court, Special Court for POCSO Act Cases, Tirunelveli. Therefore, Non-Bailable Warrant was issued against him on 06.11.2022 and he was arrested and remanded in



judicial custody on 07.11.2022. Hence, he prays for bail. The petitioner.

4. The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet has already been filed before the Sessions Court, Special Court for POCSO Act Cases, Tirunelveli, and the case is pending for trial. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the fact 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 Sessions Court, Special Court for POCSO Act 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 is directed to deposit a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Women Advocates Association, Madurai Bench of Madras High Court (Account No:- 770357420, IFSC Code:- IDIB000H040, Indian Bank)**, without prejudice to his rights and contentions before the trial Court;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(v) the petitioner shall not abscond during trial.

(vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

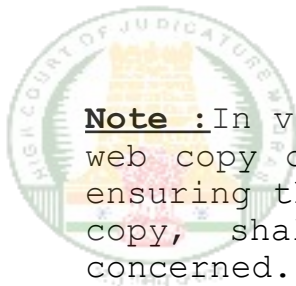
sd/-

30/11/2022

/ TRUE COPY /

30/11/2022

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.

WEB COPY

TO

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

COPY TO:

THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.APPAJI C K M Advocate SR.No.13992

ORDER

IN

CRL OP(MD) No.21134 of 2022

Date : 30/11/2022

DSS

SA/SSS/SAR. /30.11.2022/3P/7C