



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21165 of 2022

Jagatheesan, ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Crime No.62 of 2014.

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.62 of 2014 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 366(A) of IPC in Special C.C.No.4 of 2019 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Tirunelveli, in Crime No. 62 of 2014 on the file of the respondent police, seeks bail.

2.During the course of trial in Special.C.C.No.4 of 2019, the petitioner was absent before the Special Court for Exclusive Trial of Cases under the POCSO Act, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued against him on 30.04.2021.

3.The learned counsel appearing for the petitioner would submit that due to ill health of the petitioner, he was not able to appear before the trial Court. Therefore, Non-Bailable Warrant was issued against him. He further would further submit that the act of the



petitioner is neither wilful nor wanton. Hence, he p or
anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued against him and the case is pending without any progress. He would further submit that if he is granted anticipatory bail, there is every likelihood of absconding. Hence, he strongly opposed to grant anticipatory bail to him.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the fact that the case is pending under trial stage, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) **to the credit of Madurai Bench High Court Advocates Association (MBHAA), High Court, Madurai (Account No.496038755, IFSC Code: IDIB000H040, Indian Bank, High Court Branch, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special Court for Exclusive Trial of Cases under the POCSO Act, Tirunelveli.

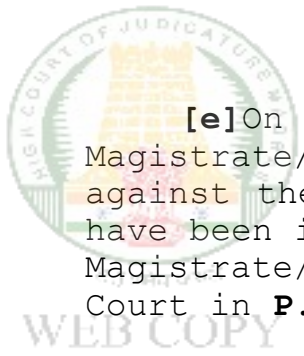
7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on anticipatory bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Exclusive Trial of Cases under the POCSO Act, Tirunelveli, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall appear before trial Court on all hearing dates without fail.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
ADVOCATES ASSOCIATION(MBHAA)
MADURAI BENCH OF OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.JAMEELARASU, Advocate (SR-14203[I] dated 02/12/2022)

ORDER
IN
CRL OP(MD) No.21165 of 2022
Date :30/11/2022

CP
PKP/BUC/SAR-1/12.12.2022/3P/6C