



Crl.O.P.No.7700 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.7700 of 2023

Naveshraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Walajabad Police Station,
Chengalpattu District District.

(Crime No.54 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with
Spl.S.C.No.65 of 2020, pending before the Special Court for Exclusive Trial
Case under POCSO Act, Chengalpattu District.

For Petitioner : Mr.T.Meganathan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023, pursuant to the non-bailable warrant of arrest issued against him on 24.01.2023, in Spl.S.C.No.65 of 2020, pending on the file of the learned Special Court for Exclusive Trial Case under POCSO Act, Chengalpattu District, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in Spl.S.C.No.65 of 2020, in connection with Crime No.54 of 2020, for the alleged offence under Sections 363, 365, 366, 450, 376(3), 323, 375(B) of IPC and Sections 8, 7, 3(b), 4, 5(i), 5(m) r/w 6, 9(m), 10 of POCSO Act, pending on the file of the learned Special Court for Exclusive Trial Case under POCSO Act, Chengalpattu District. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, the petitioner has been met with an accident, due to which, he was unable to appear before the trial Court on 24.01.2023 and also, he was unable to instruct his counsel to file the petition under Section 317 Cr.P.C., thereby, the trial Court has issued a Non Bailable Warrant of arrest against him on 24.01.2023 and pursuant to which, the



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petitioner was arrested from his residence on 16.02.2023. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be imposed by this Court

3. He further submitted that as directed by this Court on 11.04.2023, the petitioner has cross examined the witnesses LW1 to LW3, when they were appeared before the trial Court on 12.04.2023. He also submitted that the petitioner is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused facing trial in Spl.S.C.No.65 of 2020, pending on the file of the learned Special Court for Exclusive Trial Case under POCSO Act, Chengalpattu District, has failed to appear before the trial Court only on 24.01.2023, when the matter was posted second time for examination of LW1 to LW3, thereby, the trial court has



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issued a Non-Bailable Warrant of arrest against him and pursuant to the same, he was arrested on 16.02.2023. He also submitted that there are totally 25 witnesses in this case and on 12.04.2023, the petitioner has cross examined the witnesses LW1 to LW3. He further submitted that now, the case stands posted on 26.04.2023 for issuing fresh summons on LW8 to LW10. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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)**



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with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial Case under POCSO Act, Chengalpattu District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the **learned Special Court for Exclusive Trial Case under POCSO Act, Chengalpattu District**, on all working days at 10.30 a.m., for a period of three weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



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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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

18.04.2023

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To

1. The Special Court for Exclusive Trial Case under POCSO Act,
Chengalpattu District.
2. The Inspector of Police,
Walajabad Police Station,
Chengalpattu District.
3. The Sub Jail,
Chengalpattu District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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