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CrI.OP.No.9691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9691 of 2023

Kishan @ Kishan Debnalth

...Petitioner

Vs.

State Rep. by:
Inspector of Police,
Vellore North Police Station,
Vellore.
Crime No.714 of 2018

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.172 of 2022 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore.

For Petitioner :Mr.J.Jayan

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner was arrested on 20.03.2023 for the offence under Sections **4(1), 5(1)(a) of ITP Act and under Section 376(2)(n), 370A(1) of IPC and Section 5(I), 6 of POCSO Act, 2012 and Section 506(i) of IPC** in respect of Crime No.714 of 2018, seeks bail.

2. It is the case of the prosecution is that the petitioner was granted bail in Crime No.714 of 2018 for the offence under Sections **4(1), 5(1)(a) of ITP Act and under Section 376(2)(n), 370A(1) of IPC and Section 5(I), 6 of POCSO Act, 2012 and Section 506(i) of IPC** and the same has been taken cognizance in Spl.S.C.No.172 of 2022 on the file of learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 06.10.2020. Thereafter, the petitioner was arrested on 20.03.2023.

3.The learned counsel appearing for the petitioner would



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submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the lower Court has issued Non-Bailable Warrant against the petitioner and he was arrested on 20.03.2023. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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 blood sureties**, each for a like sum to the satisfaction of the **learned Special Judge for Exclusive Trial of Cases under POCSO**



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Act, 2012, Vellore 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 trial Court twice daily at 10.30 a.m. and 5.30 p.m., until further orders.

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

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

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 229A IPC.

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To

1. Special Judge for Exclusive Trial of Cases
under POCSO Act, 2012, Vellore
2. Inspector of Police,
Vellore North Police Station,
Vellore.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN,J.

Sma

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