



Crl.O.P.No.11354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11354 of 2023

A. Duraipondi

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.

(Crime No.154 of 2022)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending trial in SCC.No.83 of 2022
(on the file of the Hon'ble Sessions Judge, Special Court for POCSO cases,
Thiruvannamalai) on such terms and conditions as this Court deem fit and
proper.

For Petitioner : Mr.J. Prakasam

For Respondent : Mr.N. Muthuvel,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.03.2022, in connection with Crime No.154 of 2022 registered for the offence punishable under Section 506(ii) (3 counts) of IPC and 5(f), 5(l) read with Section 6 of POCSO Act (3 counts), seeks bail.

2. The case of the prosecution is that the petitioner, who has been arrayed as A1, was working as a Warden at Anbu Illam belonging to St.Joseph School at Patthiyavaram. It is alleged that the petitioner had committed sexual assault on three minor victim boys, who were studying at Anbu Illam. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 13.03.2022. He further submitted that co-accused A2 in this case had already been granted bail by this Court. He also submitted that the petitioner is ready and willing to furnish solvent sureties



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and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are totally two accused in this case and the petitioner is arrayed as A1. He further submitted that there are totally 3 witnesses in this case and all of them have been examined and charge sheet has also been filed. Considering the gravity of offence, he strongly opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that all of the witness have been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned Sessions Judge, Special Court for POCSO cases,
Thiruvannamalai, 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 respondent Police daily at 10.30 a.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 abscond, a fresh FIR can be registered under Section 229A IPC.



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7. Since the charge sheet was filed and the trial has commenced, the learned Sessions Judge, Special Court for POCSO cases, Thiruvannamalai is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

18.05.2023

Sni/hvk

To

- 1.The Sessions Judge,
Special Court for POCSO cases,
Thiruvannamalai.
- 2.The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Sni/Hvk

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