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Crl.O.P.No.18649 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.18649 of 2023

Kathiravan

...Petitioner

Vs.

State By:

The Inspector of Police,

AWPS-Thirukoilur,

Kallakurichi District.

Cr.No.43 of 2019

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Spl.S.C.No.130 of 2019 on the file of the Special Court for Exclusively trial of cases under POCSO Act, Villupuram.

For Petitioner : Mr.E.Elavazhagan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial



Crl.O.P.No.18649 of 2023

custody on 01.02.2023 for the offences punishable under Sections 366, 506(i) of IPC, 5(m) r/w. 6 of POCSO Act in Spl.S.C.No.130 of 2019 on the file of the Special Court for Exclusively trial of cases under POCSO Act, Villupuram in Crime No.43 of 2019 on the file of the respondent, seeks bail.

2. It is the submission of the learned counsel for the petitioner that the petitioner is an accused in Spl.S.C.No.130 of 2019 on the file of the Special Court for Exclusively trial of cases under POCSO Act, Villupuram . Since, he could not appear before the Court on 01.02.2023, NBW was issued against him and it was executed on 07.03.2023. Since then, he is in judicial custody. He further submitted that the petitioner would be regular in attending the Court hearings in future. Thus, he seeks bail.

3. Learned Additional Public Prosecutor submitted that, because of the absence of the petitioner, there is a delay in the trial proceedings.

4. Considered the rival submissions and perused the records of the case.



Crl.O.P.No.18649 of 2023

5. The petitioner is in judicial custody from 01.02.2023. It is the submission of the petitioner that petitioner would be regular in attending the Court future hearings. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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 the **learned Sessions Judge, Special Court for Exclusively trial of cases under POCSO Act, Villupuram**, 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 concerned Court on all working days at 10.30.a.m., until further orders and also on all hearing dates without fail.

[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.



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Crl.O.P.No.18649 of 2023

G.CHANDRASEKHARAN, J.
mpl

[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 registered under Section 229A IPC.

16.08.2023

mpl

To

- 1.The Sessions Judge,
Special Court for Exclusively trial of cases under POCSO Act,
Villupuram.
- 2.The Central Prison, Cuddalore.
- 3.The Inspector of Police,
AWPS-Thirukoilur,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18649 of 2023