



WEB COPY



Crl.A.No.786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.A.No.786 of 2023

Manikandan

...Appellant

vs.

1. The Deputy Superintendent of Police
Thiruvannamalai District
Thiruvannamalai

2. The State rep. by,
Inspector of Police
Thiruvannamalai Taluk Police Station
Thiruvannamalai
Crime No.195 of 2019

3. Mallika

...Respondents

PRAYER: Criminal Appeal filed under Section 14(A) (2) SC/ST Prevention of Atrocities Act, 1989 of Criminal Procedure Code, 1973 praying to set aside the order made in Crl.M.P. No.1426 of 2023 in S.C. No.188 of 2019 before the Special Court for the Exclusive Trail of POCSO Act Cases, Thiruvannamalai and to enlarge the appellant on bail.

For Appellant : Mr. C. Ramaraj

For R1 & R2 : Mr.R.Vinothraja
Govt. Advocate (Crl.Side)

For R3 : No appearance.



Crl.A.No.786 of 2023

J U D G M E N T

WEB COPY

Challenging the orders passed by the Sessions Judge, Special Court for the Exclusive Trail of POCSO Act Cases, Tiruvannamalai, in Crl.M.P. No.1426/2023 in Spl. S.C. No.188/2019, the present appeal is filed.

2. The revision petitioner is the accused in Spl.S.C. No.188/2019 for the offences punishable under Sections 366A, 376 IPC r/w 4 and 8 of POCSO Act and Section 3(1)(W)(i), 3(2)(va) OF SC/ST Act. He filed a petition before the Sessions Judge, Special Court for the Exclusive Trail of POCSO Act Cases, Thiruvannamalai, under Section 439 Cr.P.C. in Crl.M.P.No.1426/2023 seeking bail and the same was dismissed on 12.07.2023. Aggrieved over the same, the present Criminal Appeal is filed.

3. A perusal of the records shows that the accused was not regularly appearing before the trial court, on account of which, non bailable warrants were issued against the accused on 23.09.2019 and 17.08.2021. On all these occasions, the appellant recalled the warrant by filing a petition under Section 70(2) Cr.P.C. Thereafter, when the case was posted for framing of charges on 03.09.2022, the appellant/accused did not appear before the trial court and once again a non bailable



Crl.A.No.786 of 2023

warrant was issued against him on the same day. The accused was arrested by the police on 16.06.2023 and now the case is posted for examination of witnesses.

4. Since the accused jumped bail, dismissal of the bail application by the trial court is perfectly in order and therefore I do not see any reason to interfere with the same. Accordingly, the Criminal Appeal is dismissed.

5. In the result,

- i. The Criminal Appeal is dismissed.
- ii. The order made in Crl.M.P. No.1426 of 2023 in S.C. No.188 of 2019 by the learned Sessions Judge, Special Court for the Exclusive Trail of POCSO Act Cases, Thiruvannamalai, is confirmed.

31.08.2023

bga

Index : yes/no

Speaking /Non speaking Order



Crl.A.No.786 of 2023

To
WEB COPY

1. The Deputy Superintendent of Police
Thiruvannamalai District
Thiruvannamalai
2. The State rep. by,
Inspector of Police
Thiruvannamalai Taluk Police Station
Thiruvannamalai
Crime No.195 of 2019
3. The Sessions Judge,
Special Court for the Exclusive Trail of POCSO Act Cases,
Thiruvannamalai.
4. The Public Prosecutor, High Court, Madras.
5. The Section Officer, Criminal Section, High Court, Madras



WEB COPY



Crl.A.No.786 of 2023

R.HEMALATHA, J.

bga

Crl.A.No.786 of 2023

31.08.2023