



CrI.OP.No.19155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2023

CORAM

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

CrI.OP.No.19155 of 2023

Silambarasan

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Vellore District)
Crime No.132 of 2019

...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.114 of 2019 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.06.2023 for the offences punishable under Sections 363, 366, 376(2)(n) of IPC and Section 5(I) read with Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act pending in Spl.S.C.No.114 of 2019 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Spl.S.C.No.114 of 2019. Non Bailable Warrant was issued against him on 18.04.2022 and thereafter, it was executed on 23.06.2023. He further submitted that, petitioner would be very regular hereafter and thus, he seeks bail to the petitioner.

3. In response, the learned Additional Public Prosecutor strongly opposes the petition on the ground that, petitioner had not taken any efforts to recall the Non-Bailable Warrant issued against him from 18.04.2022 till the date of the arrest. Petitioner is not co-operating with the trial proceedings.



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4. Considering the facts and circumstances in which the Non-Bailable Warrant was issued against the petitioner and subsequently remanded to Judicial Custody on 23.06.2023 and also having regard to the submission of the learned counsel for the petitioner that the petitioner would regularly appear before the Court hereafter, this Court is inclined to grant bail to the petitioner.

5. 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 the **learned Special Judge for Exclusive Trial of Cases under POCSO 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 appear before the learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore on all working day



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**for one month and thereafter 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.

[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.

22.08.2023

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To

1. Special Judge for Exclusive Trial of Cases under POCSO Act, 2012,
Vellore.

2. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Vellore District)

3. Central Prison,
Vellore.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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