



Crl.OP.No.23759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.23759 of 2023

Thangavel @ Thangaraj

...Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station, Gobi
Erode District.
Crime No.3 of 2022.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.80 of 2022 on the file of learned Court of Sessions Judge, Mahalir Neethinamdran (FTMC), Erode in Crime No.3 of 2022 pending on the file of the respondent police.

For Petitioner : Ms.C.S.Saravanan
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2023 for the offence punishable under Sections 366(A) IPC Section 9 of POCM Act, 2006 and 5(1), 6 of POSCO Act in Crime No.3 of 2022 on the file of the respondent police, in which the case had been taken cognizance as Spl.S.C.No.80 of 2022 on the file of the learned Court of Sessions Judge, Mahalir Neethimandram (FTMC), Erode, seeks bail.

2. The learned counsel for the petitioner stated that petitioner is innocent and he has been falsely implicated in this case. Thus, he seeks for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that, the petitioner had earlier been granted bail, but later did not comply the condition. Therefore, Non-Bailable Warrant had been issued on 21.07.2023 and the same was executed on 25.07.2023. It is stated that, evidence of the victim girl had been recorded and the matter is now posted for further evidence of other witnesses. Thus, he prays for



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dismissal of this petition.

4. In view of the fact that though the petitioner had absconded, and he had been secured within a period of four days, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Court of Sessions Judge, Mahalir Neethimandram (FTMC), Erode**, 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 daily at 10.00 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.



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[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.

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To

- 1.The Court of Sessions Judge, Mahalir Neethimandram (FTMC), Erode.
2. Sub jail, Gobi.
- 3.The Inspector of Police,
All Women Police Station, Gobi
Erode District.
- 4.The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.

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