

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 17.10.2023**

**CORAM**

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

**Crl.O.P.No.23810 of 2023**

Murugan

... Petitioner

Vs.

The State  
Rep. by its Inspector of Police,  
Mangalam Police Station,  
Thiruvannamalai  
(Crime No.501 of 2021)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail pending trial in S.C.No.59 of 2022  
on the file of Principal Sessions Judge, Special Court Judge for POSCO  
Cases at Thiruvannamalai.

For Petitioner : Mr.K.Suresh Kumar

For Respondent : Mr.R.Kishore Kumar  
Government Advocate (Crl.Side)

**ORDER**

The petitioner seeks bail in S.C.No.59 of 2022 now pending on the file of the learned Principal Sessions Judge, Special Court Judge for POSCO Cases at Thiruvannamalai and charges have been framed under Sections 376(3), 376(2)(m) r/w Section 109 of IPC and Sections 6 r/w 17 of POCSO Act, 2012.

2. The petitioner is arrayed as the second accused and he has been arrested by P.T.Warrant on 24.06.2023.

3. It is stated that A1 and the victim girl had physical relationship in the house of the petitioner herein. It is also stated that A1 had been granted bail.

4. Nonailable Warrant has been issued against the petitioner, he had been arrested in yet another case and could not appear before the Court.

5. Taking into consideration all these facts, 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 condition to execute 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 Special

Court for POCSO Act cases, Tiruvannamalai 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 on every Monday, until further orders/until completion of trial;**

[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.

**17.10.2023**

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**C.V.KARTHIKEYAN, J.**

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To

1. The Special Judge for POSCO Act Cases at Thiruvannamalai
2. The Inspector of Police,  
Mangalam Police Station,  
Thiruvannamalai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras.

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