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Crl.O.P.No.25779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25779 of 2023

Pandiyan

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruvarur District.
Crime No.14 of 2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records and to set aside the order passed by the Sessions Judge, Special Court of Exclusive Trial of Cases under POCSO Act in Crl.M.P.No.327 of 202, dated 04.10.2023 in Special S.C.No.34 of 2023 pending on the file of the Sessions Judge, Fast Track Mahila Court, Thiruvarur.

For Petitioner : Mr.R.Ganesh

ORDER

The petitioner herein is the accused for the offence under Sections 6, 5(j)(i), 5(I) of POCSO Act had been in the judicial custody since 15.04.2023. His bail petition was considered by the Special Court and allowed on 18.08.2023 with the condition that he has to produce two



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sureties, one should be a blood relative, each surety shall execute a bond for Rs.25,000/-. But the petitioner could not comply the condition and therefore, sought for modification of the condition to release him on own bond under Section 440 Cr.P.C. The trial Court has rightly dismissed the petition, since the gravity of offence does not warrant invocation of Section 440 Cr.P.C.

2. The learned counsel appearing for the petitioner submitted that the bond and surety of Rs.25,000/- is onerous condition on the petitioner who is living in the poor state of society and because of his financial inability, he is not able to get surety having solvency worth Rs.25,000/- and seeks for indulgence of this Court to reduce the amount of bond/surety.

3. Considering the above submissions and also gravity of the offence, this Court inclined to reduce the value of surety sought to be produced from Rs.25,000/- to Rs.10,000/- and all other conditions are confirmed. Accordingly, this Criminal Original Petition is allowed.

10.11.2023

Neutral Citation : Yes/No
rpl

To

1.The Sessions Judge, Fast Track Mahila Court, Thiruvavur.

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2.The Inspector of Police,
All Women Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN, J.

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