



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.26569 of 2023

S.Bharathi

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Vaniyambadi,
Vellore District.
(Cr.No.01 of 2021)

.. Respondent

Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Spl.S.C.No.170 of 2021 on the file of the Special Judge for Exclusive Trial of Case under POCSO Act, 2012, Vellore, Vellore District.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



ORDER

This is a fourth bail petition filed by the accused under POCSO Act.

Earlier bail petition was dismissed with the direction that the trial must be completed within the stipulated time. Today, the matter is posted for arguments before the trial Court.

2. The learned counsel appearing for the petitioner submits that since the examination of witnesses already over and the possibility of tampering the witnesses does not arise, the petitioner may be granted bail to make necessary arrangements.

3. Taking into consideration of the fact that the petitioner was secured soon after registration of the complaint and he is in prison till date and his petition to recall witnesses has already been dismissed and there is no possibility for any further delay in the trial. Hence bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions;



WEB COPY

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Special Judge for Exclusive Trial of Case under POCSO Act, 2012, Vellore, Vellore District;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the trial Court daily till pronouncing judgment. Any breach of the condition shall invite action under Section 229 A IPC as well as cancellation of bail without further notice;**

(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 Judicial 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];



Dr.G.JAYACHANDRAN, J.

rpl

WEB COPY

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

14.12.2023

rpl

To

1.The Special Judge for Exclusive Trial of Case under POCSO Act, 2012,
Vellore, Vellore District.

2.The Inspector of Police,
All Women Police Station,
Vaniyambadi,
Vellore District.

3.The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.26569 of 2023

4/4