



WEB COPY

CRL MP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eighth day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.2056 of 2023

IN

CRL OP(MD) No.1355 of 2021

ARGITH SARTHAR

... PETITIONER/PETITIONER

Vs

State Rep.by
THE INSPECTOR OF POLICE
NAGERCOIL ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO.29 OF 2020)

... RESPONDENT/RESPONDENT

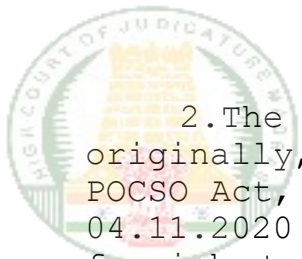
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition in Para No.5 imposed in Crl O.P (MD) No.1355/2021 dated 08.02.2021 in relates to production of sureties and modify the condition to the extend that the petitioner shall execute a bond for a sum of Rs. 10000/- with two sureties one his employer and another one is his wife to the satisfaction of the Special Court for Exclusive Trial of Cases Under POCSO Act, Kanyakumari at Nagercoil and please to pass orders to produce the sureties from his blood relatives such as his father and brother in the interest.

Prayer in CRL OP(MD). 1355/ 2021 :

To modify the conditions imposed by the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari in Crl.M.P.No.437/2020 dated 04.11.2020.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KRISHNADOSS.K.P, Advocate for the petitioner and of MR.M.VEERANTHIRAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This Petition has been filed to modify the condition in Para No.5 imposed in Crl.O.P.(MD)No.1355 of 2021, dated 08.02.2021 in relates to production of sureties and modify the condition to the extend that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties one his employer and another one is his wife to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari at Nagercoil.



2.The learned counsel for the petitioner would submit that originally, the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari at Nagercoil in Crl.M.P.No.437 of 2020, dated 04.11.2020 had granted bail to the petitioner with a condition to furnish two sureties who shall be the blood relatives. Since the blood relatives of the petitioner were not ready to stand as sureties to him, the petitioner had earlier filed an application for modification before this Court in Crl.O.P.(MD)No.1355 of 2021 and this Court by order dated 08.02.2021 had modified the condition and permitted the petitioner's wife and his employer to stand as sureties to the petitioner. He would further submit that since there was some delay, the wife is unable to come here and the employer has also refused to stand as sureties. He would further submit that whereas, now the petitioner's father and younger brother are ready to stand as sureties to him and thereby, he would seek for modification of the modified condition in Crl.O.P.(MD)No.1355 of 2021, dated 08.02.2021.

3.The learned Government Advocate (Crl. side) would submit that the petitioner has been granted bail. However, the trial has commenced and the case now stands posted to 06.03.2023.

4.It is seen that the petitioner has been granted bail as early as on 04.11.2020 with a condition to produce two blood sureties and thereafter, only at the instance of the petitioner, it has been modified by this Court in Crl.O.P.(MD)No.1355 of 2021 on 08.02.2021 that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties one his employer and another one is his wife to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari at Nagercoil. Now the petitioner has expressed his inability to bring his wife and employer to stand as sureties and in the alternate, he has now stated that his father and brother, who are blood relatives, are ready to stand as sureties to him.

5.In view of the above, the condition in Para No.5 imposed by this Court in Crl.O.P.(MD)No.1355 of 2021, dated 08.02.2021 is modified to the effect that *"the petitioner shall execute a bond for a sum of Rs.10,000/- with two blood sureties to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari."*

6.This Criminal Miscellaneous Petition is ordered accordingly.

sd/-

08/02/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI DISTRICT.

2 THE INSPECTOR OF POLICE
NAGERCOIL ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.P.KRISHNADOSS, Advocate (SR-2000[I] dated 08/02/2023)

ORDER

IN

CRL MP (MD) No.2056 of 2023

IN

CRL OP (MD) No.1355 of 2021

Date :08/02/2023

RS/SAR.1(10.02.2023) 3P-5C