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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2023

PRESENT

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

CRL OP(MD) . No.2337 of 2023

Sivasankar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District
(Crime No.13 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Boomee Rajan.P.R, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

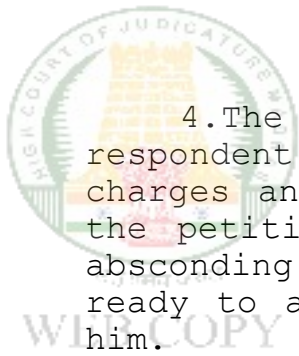
For Bail in Crime No.13 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 25.04.2022 pursuant to the issuance on Non Bailable Warrant in crime No.13 of 2021 for the offences under Sections 4(2) of POCSO Act, 2019 r/w.5(1) and 6 of POCSO Act, 2012 seeks bail.

2.The case of the prosecution is that the petitioner had inappropriately touched the victim girl and had sexually assaulted her, hence the case.

3.The learned counsel appearing for the petitioner would submit that originally the petitioner was granted bail and he was regularly appearing before the Court, however due to his illness he was unable to appear before the Court on 31.03.2022 and due to his absence Non Bailable Warrant has been issued against the petitioner and he was arrested and remanded to judicial custody to 25.04.2022, hence he



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the case stands posted to framing of charges and 13 witnesses have been examined and at this stage, if the petitioner is granted bail there is every possibility of him absconding again. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] 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 Exclusive trial of cases under POCSO Act, Thanjavur, and on further conditions that:

[b] 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.

[c] the petitioner shall report before the trial Court on all working days at 10.30 a.m.,until further orders

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during trial.

[f] the petitioner shall not tamper with evidence or witness during trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7.Taking into consideration the facts of the case, the Special Court for Exclusive trial of cases under POCSO Act, Thanjavur is directed to complete the trial as expeditiously as possible



preferably within a period of two months from the date of receipt of a copy of this order.

sd/-
06/02/2023

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06/02/2023

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

AAV

TO

1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THANJAVUR.

2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUVAIYARU,
THANJAVUR DISTRICT.

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

COPY TO

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.PR BOOMEERAJAN, Advocate (SR-1857[I] dated 06/02/2023)

ORDER
IN
CRL OP(MD) No.2337 of 2023
Date :06/02/2023

RS/VR/SAR.(06.02.2023) 3P-7C