



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

Date : 24/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5463 of 2023

Amjithkhan

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.243/2017).

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K.P.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

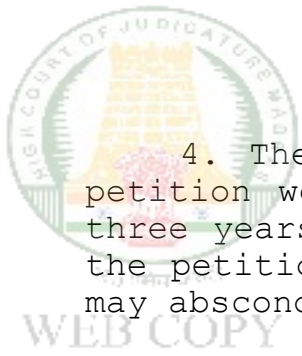
For Bail in Cr No.243/2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 23.02.2023 for the alleged offence under Sections 366 of IPC @ 366(A) of IPC and section 5(1) and 6 of POCSO Act in Crime No.243 of 2017 on the file of the respondent police seeks bail.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court , hence Non Bailable Warrant was issued on 18.11.2021. The petitioner was arrested on execution of Non Bailable Warrant on 23.02.2023.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and due to his ill health he was unable to appear before the trial Court, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 23.02.2023.



4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner is absconding for nearly three years and with much difficulty the respondent police secured the petitioner. Further, if the petitioner is released on bail, he may abscond again.

5. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the trial Court on all working days at 10.30 a.m until further orders

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/03/2023

/ TRUE COPY /

24/03/2023

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

AAV

<https://www.mhc.tn.gov.in/judis>



TO

1. The Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Kanyakumari at Nagercoil.
 2. The Officer In-Charge, District Jail, Nagercoil.
 3. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-4783[I] dated 24/03/2023)

ORDER
IN
CRL OP(MD) No.5463 of 2023
Date : 24/03/2023

NA/MMS/SAR/24.03.2023/3P/6C