



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 21/04/2023  
PRESENT

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

CRL OP(MD) . No.7433 of 2023

Vijaya Siva Sundhar @ Visu,

... Petitioner/Sole Accused

**Vs**

The State rep.by  
The Inspector of Police,  
Sathankulam Police Station,  
Thoothukudi District.  
Crime No.20 of 2019.

... Respondent/Complainant

For Petitioner : M/s.David Ganesan.J,  
Advocate.

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

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

**PRAYER :-**.To enlarge the petitioner on bail in Spl.S.C.No.36 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act,Thoothukudi in connection with the Crime No.20 of 2019 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 21.02.2023 for the alleged offence under Section Girl Missing @ 11(6),r/w.12 of POCSO Act, 2012 in Crime No.20 of 2019 ( Spl.S.C.No.36 of 2020 on the file of the Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi) 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 23.11.2020. The petitioner was arrested on execution of Non Bailable Warrant on 14.02.2023.

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 21.02.2023.



4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner was absconding and with much difficulty the respondent police secured the petitioner. Further, if the petitioner is released on bail, he may abscond again. Further trial commenced in this case and the petitioner is released on bail entire trial will be stalled.

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 blood related sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Thoothukudi

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 learned Sessions Judge, Special Court for POCSO Act Cases, Thoothukudi on all working days at 10.30 a.m and 5.30 p.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.

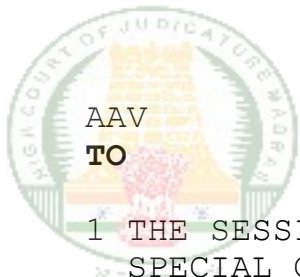
sd/-

21/04/2023

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21/04/2023

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



AAV  
TO

1 THE SESSIONS JUDGE,  
SPECIAL COURT FOR POCSO ACT CASES,  
THOOTHUKUDI.

2 THE OFFICER INCHARGE,  
DISTRICT JAIL, PERAYURANI,  
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,  
SATHANKULAM POLICE STATION,  
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.DAVID GANESAN.J Advocate SR.No.6362

**ORDER**

**IN**

CRL OP(MD) No.7433 of 2023

Date :21/04/2023

SA/SSS/SAR. /21.04.2023/3P/6C