



CRL OP(MD). No.17543 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD). No.17543 of 2023

Ismail,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Tenkasi District.
Crime No.12 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.ANGUSAMY, Advocate.

For Respondent : Mr.S.RAVI,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.12 of 2020 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 15.04.2023 for the offences punishable under Section 366 of IPC r/w. 6, 5(m), 5(k) of the Protection of Children from Sexual Offences Act, 2012, in Crime No.12 of 2020, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner while facing the trial before



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the trial Court in Spl.S.C.No.82 of 2021, on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, was absent on 29.06.2022. Therefore, Non Bailable Warrant was issued against the petitioner. On execution of warrant he was arrested and remanded to judicial custody on 15.04.2023.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and he would further submit that his non appearance was neither wilful nor wanton. There is miscommunication between him and his counsel.

4. The learned Additional Public Prosecutor would submit that already the petitioner was released on bail. Be he did not appear before the trial Court regularly. Hence, Non bailable warrant was issued and he was arrested. The trial before the trial Court is going to be completed. It was posted for examination of Investigating Officer.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that trial before the trial Court is going to be completed and also considering the period of incarceration, I am 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



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sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

[b] the petitioner shall report before the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, daily at 10.30 A.M. until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

sd/-
29/09/2023

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29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-14389[I] dated 29/09/2023)

ORDER IN
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Date :29/09/2023

SA/SAR. /29.09.2023/4P/6C

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