



CRL OP(MD). No.23114 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.23114 of 2023

Manikandan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Achanpudur Police Station,
Tenkasi District.
in Crime No.119/2019

... Respondent/Complainant

For Petitioner : Mr.C. SUSIKUMAR,
Advocate.

For Respondent : Mrs.M.AASHA,
Government Advocate (Crl.Side)

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

PRAYER :- To enlarge the petitioner on bail in Spl.CC.No.60/2021 on the file of Spl. Court for POCSO Act Cases, Tirunelveli dt.6/12/2023.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested and remanded to judicial custody on 22.11.2023 for the alleged offences punishable under Sections 366,376 of IPC and Section 4 of POCSO Act in Crime No.119 of 2019,(Spl.S.C. No.60 of 2021 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli) on the

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CRL OP(MD). No.23114 of 2023

file of the respondent police, seeks bail.

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2. Earlier the petitioner was arrested and released on bail. Thereafter due to his ill health and he did not appear before the trial Court on 20.06.2023, hence Non Bailable Warrant was issued. The petitioner was arrested on execution of Non Bailable Warrant on 22.11.2023.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Further the petitioner is in custody from 22.11.2023, hence he seek bail.

4. The learned Additional Public Prosecutor opposing the bail petition would submit that if the petitioner is released on bail, he may abscond again.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and on further conditions that:



CRL OP(MD). No.23114 of 2023

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Court;

(i) the petitioner shall appear before the trial Court as directed by the trial

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
21/12/2023

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21/12/2023
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,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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CRL OP(MD). No.23114 of 2023

3 THE INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-18217[I] dated 21/12/2023)

ORDER
IN
CRL OP(MD) No.23114 of 2023
Date :21/12/2023

SA/SAR. /21.12.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.