



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.3265 of 2024

Aboorvasamy

...Petitioner

Vs

State Rep. by
The Inspector of Police,
AWPS, Nannilam
Thiruvarur

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Principal District and Sessions Judge, Fast Track Mahila Court, Tiruvarur on 03.11.2023 vide Crl.MP.No.350/2023 and modify the bail condition no.1 “That he shall execute a bond for Rs.25,000/- with two sureties out of which one surety should be the blood relative of the petitioner” vide order dated 28.07.2023 in Crl.M.P.No.247/2023 by Principal District and Sessions Judge (FAC), Fast Track Mahila Court, Tiruvarur.

For Petitioner : Mr.H.Maruthiraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner in CrI.MP.No.350 of 2023, dated 03.11.2023, wherein, the petitioner had sought for modifying the surety condition imposed by the Trial Court while enlarging the petitioner on bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.The petitioner was arrested and remanded to judicial custody by the respondent police for offence under Sections 4(2), 5(n), 5(1), 6, 5(j), (ii) of POCSO Act.

4.It is the case of the prosecution is that the petitioner who is the grand father had committed aggravated penetrative sexual assault on his grand daughter. Since the petitioner was inside the jail for a long period of time, he filed a bail



petition. The Court below by an order dated 28.07.2023 made in CrI.M.P.No.247

of 2023, enlarged the petitioner on bail with the following condition:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of this Court and one of the surety shall be a blood relative of the petitioner.

5.No one was coming forward to give surety to the petitioner and therefore, the petitioner filed an application before the Court below to modify the said condition and to enlarge the petitioner on bail on his own bond. This application came to be dismissed by the Court below.

6.In the considered view of this Court, considering the nature of allegations that have been made against the petitioner, it is quite difficult to fathom as to how the Trial Court had granted bail to the petitioner in this case. Therefore, there is absolutely no ground to interfere with the order passed by the Court below while refusing to modify the condition. This Court does not want to make any adverse comment in this case, since it will have a bearing in the trial Court.



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N.ANAND VENKATESH, J

SSR

7.This Court does not find any merits in this criminal original petition and accordingly, the same is dismissed.

15.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

- 1.The Principal District and Sessions Judge,
Fast Track Mahila Court, Tiruvarur.
- 2.The Inspector of Police,
AWPS, Nannilam
Thiruvarur
- 3.The Public Prosecutor,
High Court, Madras.

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