



Crl.O.P.No.4950 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.4950 of 2024

Ethiraj @ Vinoth

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Cheyyar,
Tiruvannamalai District.

(Crime No.3 of 2018)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.3 of 2018 in Spl.S.C.No.136 of 2019, on the file of the Special Court (POCSO Cases), Tiruvannamalai, on such terms and conditions.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/accused in Spl.S.C.No.136 of 2019, now pending trial before the Special court (POCSO Cases), Tiruvannamalai, seeks bail. Originally, Crime No.3 of 2018 had been registered for the offences under Sections 354(C), 376(1)(n), 506(i) of IPC and Section 4, 6 r/w 5(j)(ii) of POCSO Act, 2012 and the petitioner had been remanded to judicial custody on 21.11.2023 on execution of Non Bailable warrant.

2.It is stated that investigation has been completed.

3.Taking into consideration the period of incarceration and also that the petitioner should be granted opportunity to defend himself during the course of trial process, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 fresh sureties, each for a like sum to the satisfaction of the Special Court (POCSO Cases), Tiruvannamalai, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the Special Court (POCSO Cases), Tiruvannamalai, on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

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

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

[e] 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].

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

18.03.2024

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C.V.KARTHIKEYAN. J.

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To

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1. The Special Court (POCSO Cases), Tiruvannamalai.
2. Central Prison, Vellore.
3. The Inspector of Police,
All Women Police Station,
Cheyyar,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.

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