



WEB COPY



Crl.O.P.No.7086 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.7086 of 2024

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.172 of 2018 pending on
the file of the POCSO Court, Chennai.

For Petitioner : Mr.R.Suresh

For Respondent : Mr.V.Meganathan

Government Advocate (Crl.Side)



Crl.O.P.No.7086 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.02.2024, pursuant to the non-bailable warrant of arrest issued against him on 23.08.2023, in S.C.No.172 of 2018 pending on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.172 of 2018, pending on the file of the learned Special Court for Exclusive trial of Cases under POCSO Act, Chennai. He further submitted that the petitioner was suffered from Jaundice and for which, he went Kerala for taking treatment, thereby, he was unable to appear before the trial Court on 23.08.2023 and the trial Court has issued a Non Bailable Warrant of arrest against him. Pursuant to which, the respondent had arrested the petitioner on 09.02.2024. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and also undertakes that he will appear before the trial Court on all hearing dates without fail, therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.7086 of 2024

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.172 of 2018, pending on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Chennai, has failed to appear before the trial Court on 23.08.2023, and thereby, pursuant to the Non-Bailable Warrant issued against him, he was arrested on 09.02.2024. He further submitted that the petitioner is repeatedly doing the same before the trial Court, therefore, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

5. This Court, by an order dated 22.03.2024, had directed the learned trial Judge to send a Report indicating the status of the case in S.C.No.172 of 2018. Pursuant to the same, the learned trial Judge has also sent a letter in Dis.No.299 of 2024 dated 01.04.2024. This Court has also perused the same.



Crl.O.P.No.7086 of 2024

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 sureties** (out of which, one surety shall be the blood related surety), each for a like sum to the satisfaction of the **Special Court for Exclusive trial of Cases under POCSO Act, Chennai**, 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 their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the trial Court, on all working days at 10.30 a.m., till completion of trial;

[c] the petitioner after coming out on bail shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence



Crl.O.P.No.7086 of 2024

or witness during trial;

[f] 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]*;

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

04.04.2024

ham

To

1. The Special Court for Exclusive trial of Cases under POCSO Act, Chennai,
2. The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.



WEB COPY



Crl.O.P.No.7086 of 2024

ham

Crl.O.P.No.7086 of 2024

04.04.2024