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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

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

CrI.O.P.No.9278 of 2024

Karthick

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Chengam Police Station
Thiruvannamalai District.
Crime No. 709 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 709 of 2021 on the file
of the Chengam Police Station, Thiruvannamalai District and pending Trial
in Special S.C No. 87 of 2022 on the file of the Special Court (POCSO
Cases), Thiruvannamalai.

For Petitioner : Mr.Viswanathn S B
For Respondent : Mr.V.Meganathan, B.A., B.L.,



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Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.02.2024 for non appearance in the Special Court on 06.12.2023 and 10.01.2024 in connection with case in S.C No. 87 of 2022(crime No. 709 of 2021) for the offence punishable under Sections 376 2 (n), 363, 366 r/w Section 5(1) and 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006.

2. The learned counsel for the petitioner submits that the petitioner's father was seriously ill and taking treatment at hospital and due to which he was not able to surrender in the Special Court until 05.02.2024. However, after completing the 16th day ceremony the petitioner surrendered before the special court on 22.02.2024 and remanded to judicial custody.

3. Considering the fact that due to the illness of the petitioner's father the petitioner was not able to appear before the Court. Hence, this Court is inclined to grant bail to the petitioner.



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5. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Court (POCSO Cases), Thiruvannamalai**, 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 report before the Trial Court on every Wednesday at 10.30 a.m until further orders and also for every hearing date;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Special Court (POCSO Cases), Thiruvannamalai.**
2. The Inspector of Police
Chengam Police Station
Thiruvannamalai District.
3. The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9278 of 2024

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