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CRL O.P. No.22863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22863 of 2024

Mr.Udhayan

... Petitioner / Sole Accused

Vs

State Rep. By
The Inspector of Police,
Seiyar, All Women Police Station,
Thiruvanamalai.

(Crime No.9 of 2018)

... Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Spl.S.C.No.147 of 2019 on the file of the Sessions Court, Special Court for Exclusive Trial under POCSO Act, Thiruvanamalai.

For Petitioner : Mr.K.Balaji

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioner seeks bail in Spl.S.C.No.147 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive of Trial Cases under POCSO Act, at Thiruvanamalai, for the offences punishable under Sections 376 and 448 of the IPC and Sections 3 and 4 of the POCSO Act. The petitioner has been remanded to custody on 19.06.2024 on execution of NBW.

2. It is a case of jumped bail. The petitioner was arrayed as an accused in Spl.S.C.No.147 of 2019 on the file of the learned Sessions Judge, Special Court for Exclusive of Trial Cases under POCSO Act, at Thiruvanamalai. The petitioner was already granted bail; however, due to his non-appearance before the court, a non-bailable warrant has been issued against him, and the same was executed on 19.06.2024.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that due to the death of his grand-father, the petitioner was unable to appear before the trial court; as a result of his non-appearance,



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NBW was issued. He further submitted that the petitioner has been in custody since 19.06.2024. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl. Side) for the respondent submitted that the petitioner was already granted bail and due to non appearance, NBW was issued against the petitioner, and he was secured only on 19.06.2024. He further submitted that the case is now posted for examination of investigation officer. However, he vehemently opposed to granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering that already the petitioner was released on bail and thereafter, due to his non-appearance, the trial Court issued NBW and the same was executed, and considering the number of days of incarceration undergone by the petitioner and now the case is posted for examination of investigation officer, this Court is inclined to grant bail to the petitioner subject to the following conditions:



7. 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 sureties each for a like sum to the satisfaction of the *Sessions Judge, Special Court for Exclusive of Trial Cases under POCSO Act, at Thiruvanamalai*, and on further conditions that;

[a] the Petitioner shall report before the Special Court for Exclusive of Trial Cases under POCSO Act, at Thiruvanamalai on all working days at 10.30 am., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been



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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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.09.2024

dk

To

- 1.The Sessions Judge,
Special Court for Exclusive of Trial Cases under POCSO Act,
Thiruvanamalai.
- 2.The Superintendent of Prison,
Central Prison Vellore.
- 3.The Inspector of Police,
Seiyar, All Women Police Station,
Thiruvanamalai.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J.
dk

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