



CRL O.P. No.26293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26293 of 2024

Jothi

... Petitioner / Accused

Vs

State rep. by
The Station House Officer,
Panruti AWPS,
Cuddalore District.
(Crime No.24 / 2022)

... Respondent

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.SC.No.58 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore in Crime No.24 of 2022 on the file the respondent.

For Petitioner : Mr.S.C.Vishwanth

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



CRL O.P. No.26293 of 2024

WEB COPY

ORDER

The petitioner seeks bail in Spl.SC.No.58 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, for the offences punishable under Sections 343, 366, 294(b) of IPC r/w. Section 5(k), 6 of POCSO Act. The petitioner has been remanded to custody on 04.09.2024 on execution of NBW.

2.It is a case of jumped bail. The petitioner is arrayed as A1 in Spl.SC.No.58 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore. The petitioner was already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against him and the same was executed.

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 vacancy of Presiding Officer, the Mahila Court Judge is taking incharge for the Special Court also and on the date of



CRL O.P. No.26293 of 2024

hearing, the case was calling in Special Court, but the petitioner was appeared in Mahila Court and was not appeared before the Special Court.

As a result of non appearance before the Special Court, NBW was issued.

He further submitted that the petitioner has been in custody from 04.09.2024. 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 04.09.2024. He further submitted that the case is now posted for examination of witness. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed and considering the number of



days of incarceration undergone by the petitioner and the case is now posted for examination of witness, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 am., until further orders.

[c] 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;

[d] 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;

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

[f] 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 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



CRL O.P. No.26293 of 2024

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

WEB COPY

23.10.2024

smv

To

1.The Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.

2.Central Prison, Cuddalore

3.The Station House Officer,
Panruti AWPS,
Cuddalore District.

4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.26293 of 2024

P.DHANABAL,J.
smv

CRL.OP.No.26293 of 2024

23.10.2024