



Crl.O.P.No.27852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27852 of 2024

Geetha

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore.

(Crime No.8 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Spl.C.C.No.61 of 2021, in connection with Crime No.8 of 2021 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.10.2024 pursuant to the non-bailable warrant issued against him on 04.12.2021, seeking bail in



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in Spl.C.C.No.61 of 2021, in connection with Crime No.8 of 2021 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

2. It is a case of jumped bail. The petitioner, who is arrayed as A1, is facing trial in Spl.C.C.No.61 of 2021 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. The petitioner did not appear before the Court on 04.12.2021 and thereby, the Trial Court had issued a Non-bailable Warrant of arrest. The petitioner has voluntarily surrendered before the Court on 14.10.2024 and filed an application for recalling the warrant, whereas, the Trial Court dismissed the application and remanded the petitioner to judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner is A1 in this case. The victim's mother, suspecting that the petitioner was having an illicit affair with her husband, has given a false complaint through the child. The petitioner was unable to appear before the Court on 04.12.2021 due to her illness and the Trial Court had issued NBW of arrest. The petitioner, due to her family situation, was unable to appear



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before the Court. He would further submit that the petitioner had voluntarily surrendered before the Court on 14.10.2024, whereas, the Trial Court had remanded her to judicial custody. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and co-operate for the speedy disposal of the case. Hence, he prays for grant of bail.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner/A1, who is facing trial in Spl.C.C.No.61 of 2021, on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore has failed to appear before the trial Court on 04.12.2021, thereby, a Non-Bailable Warrant of arrest came to be issued and the petitioner surrendered on 14.10.2024 and the Trial Court had remanded her to judicial custody. Hence, he opposed for grant of bail.

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



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

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, 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., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;



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[d] the petitioner shall not tamper with evidence or witness during 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 269 B.N.S.

14.11.2024

ata

To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore.
2. The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore.
3. Central Prison, Coimbatore.
4. The Public Prosecutor,



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High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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