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Crl.O.P.No.29046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.29046 of 2024

Aravinth Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Woman Police Station,
Arani, Thiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.18 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Venkat

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

O R D E R

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 24.06.2024,



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seeking bail in Crime No.18 of 2022 registered for the offence under Sections 417, 376(2)(n)(1) @ 376(2)(n)(i) of IPC and 5(1) and 6(1) of POCSO Act, 2012.

2. The case of the prosecution is that it is the case of jumped bail and the petitioner, who was an accused in Special C.C.No.7 of 2024 on the file of Special Court for POCSO Act Cases, Tiruvannamalai, did not appear before the Court on 09.01.2024, which resulted in issuance of non bailable warrant. Pursuant to which, the petitioner was arrested on 24.06.2024. Hence, the case.

2. Learned counsel appearing for the petitioner would submit that the petitioner was unable to appear before the Court on 09.01.2024 due to his illness and thereby, the trial court had issued non bailable warrant. He would further submit that when the petitioner was taking steps to recall the warrant issued against him, he was arrested on 24.06.2024 from his residence. He would also submit that the petitioner has not absconded and ready to abide by any stringent condition that may



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be imposed by this Court and pray for grant of bail to him.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of bail to the petitioner, would submit that the petitioner did not appear before the Court on 09.01.2024, which resulted in issuance of non bailable warrant and he was arrested on 24.06.2024 and that Special C.C.No.7 of 2024 stands posted for examination of Investigating Officer.

5. 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone 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



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on his 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 **Special Court for POCSO Act cases, Tiruvannamalai District** 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 Special Court for POCSO Act cases, Tiruvannamalai District, on all working days at 10.30a.m., until further orders.

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

[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



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***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 of B.N.S.

21.11.2024

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To

- 1.The Special Court for POCSO Cases,
Thiruvannamalai District.
- 2.The Inspector of Police,
All Woman Police Station,
Arani, Thiruvannamalai District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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