



Crl.O.P.No.28232 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.28232 of 2023

Suresh S/o. Settu @ Govindasamy

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
AWPS, Harur,
Dharmapuri.

(Crime No.4 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.4 of 2023
on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.R.John Sathyan,
Senior Counsel
for Mr.Thanga Vadhana Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/accused in Spl.S.C.No.290 of 2023, now pending trial before the Special Court for the Exclusive Trial of POCSO Act Cases at Dharmapuri, seeks bail. Originally, Crime No.4 of 2023 had been registered for the offences under Sections 5(1), 5(j)(ii), 6(1) of POCSO Act, 2012.

2.Let me not enter into the discussion on the facts since, the evidence tendered on behalf of the prosecution is now under active consideration of the Sessions Court, Dharmapuri, and the trial is underway.

3.The matter had come up earlier the Court was of the opinion that the evidence of P.W.1 and P.W.2 particularly the defacto complainant and the victim should be completed and thereafter the application seeking bail can be considered.

4.A memo has been filed on behalf of the petitioner and the learned Senior Counsel pointed out that the prosecution has examined the defacto



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complainant and also the victim child and two other further witnesses.

5.A status report has also been filed on behalf of the respondent wherein after stating about the facts, it had been stated that the Court had examined four witnesses.

6.The issue is now before the Trial Court to analyse the evidence and to pass appropriate orders and pronouncing judgments.

7.In view of the facts that threat to the victim child no longer directly exists as she already deposed her evidence, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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 the Exclusive Trial of POCSO Act Cases, Dharmapuri, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb



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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 Special Court for the Exclusive Trial of POCSO Act Cases, Dharmapuri, on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

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

9.If ever any application is filed seeking to recall either P.W.1 or P.W.2, the respondent may bring that fact to the notice of the Trial Court



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and would also entitle the respondent/defacto complainant to file an application seeking cancellation of this order.

31.01.2024

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To

- 1.The Special Court for the Exclusive Trial of POCSO Act Cases,
Dharmapuri.
2. The Central Prison, Salem.
- 3.The Inspector of Police,
AWPS, Harur,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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