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CRL.O.P.No.29564 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM:

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

CRL.O.P.No.29564 of 2024

Sakthivel,
S/o.Paramasivam

... Petitioner

Versus

STATE BY
Inspector of Police,
Palacode Police Station,
Dharmapuri District.
Crime No.209 of 2017.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Code of Criminal Procedure, to enlarge the petitioner on bail pending before the Fast Track, Mahila Court, Dharmapuri in SC.No.52/2017 in Crime No.209 of 2017.

For Petitioner : Mr.D.Thirumoorthy

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



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ORDER

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pending on the file of the Fast Track Mahila Court, Dharmapuri, in connection with Crime No.209 of 2017 registered for the offences punishable under Sections 363 & 366 of IPC and Section 5(l) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused facing trial in Special S.C.No.52 of 2017 pending on the file of the Fast Track Mahila Court, Dharmapuri. He further submits that the petitioner is a resident of Palacode and he had gone to Bangalore for employment where he was fell ill. Due to his illness, the petitioner was unable to appear before the trial Court regularly, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and pursuant to the same, he was arrested on 06.11.2024. He also undertakes that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.



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3.Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner, who is facing trial in Special S.C.No.52 of 2017 before the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, has failed to appear before the trial Court regularly, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 06.11.2024. He also submits that already the petitioner has filed a bail petition before the learned trial Judge in Crl.M.P.No.907 of 2024 and the same was dismissed on 14.10.2024, therefore if the petitioner is enlarged on bail, there is every possibility of him again absconding and not available for trial proceedings. He further submits that the case now stands posted on 04.12.2024 for examination of the Investigating Officer.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering the period of incarceration undergone by the petitioner, this Court is inclined



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to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, 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 learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, 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;

[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



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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 of B.N.S.

28.11.2024

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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri.
- 2.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
- 3.The Superintendent,
District Jail,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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