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Crl.O.P.No.30072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

Crl.O.P.No.30072 of 2024

Rajkamal

... Petitioner

Vs.

State, rep. by
The Inspector of Police
Perundurai Police Station
Erode District
(Crime No.491 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Spl.SC.No.33 of 2022 pending before the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode.

For Petitioner : Mr.R.Radha Pandian

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

ORDER

Petition seeking bail in Spl.SC.No.33 of 2022 pending before the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode, in



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respect of Crime No.491 of 2021 registered for the offences punishable under Sections 11(4), 11(5), 12 of POCSO Act and u/s.66E of IT Act is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused facing trial in Spl.SC.No.33 of 2022 pending before the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode. He further submits that due to his illness the petitioner was taking native treatment and therefore, he was unable to appear before the trial Court on 26.08.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was formally arrested on 23.05.2024. He further 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.

3.Learned Government Advocate (Criminal Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner, who is facing trial in Spl.SC.No.33 of 2022 pending before the Court of Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode, has failed to appear before the trial Court on 26.08.2022, thereby, the trial Judge has issued a Non-



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Bailable Warrant of arrest against him and the same was executed on 23.05.2024.

He also submits if he is enlarged on bail, there is every possibility of him absconding and not available for trial proceedings.

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 considering the period of incarceration undergone by the petitioner, this Court is inclined 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 Court of Sessions, Magalir Neethi Mandram (Fast Track Mahila Court) Erode, 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 Court of Sessions, Magalir Neethi Mandram (Fast Track Mahila Court) Erode, on all working days at 10.30 a.m., until



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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 ***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.

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Court of Sessions,
Magalir Neethi Mandram (Fast Track Mahila Court)
Erode

2.The Inspector of Police,
Perundurai Police Station
Erode District

3.The Superintendent,
District Prison,
Gobichettipalayam.

4.The Public Prosecutor,
High Court of Madras.

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