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CrI.O.P.No.28406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

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

CrI.O.P.No.28406 of 2023

Narayanan @ Narayana Vanarcha
S/o. Govindappa

... Petitioner / Accused

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Polur, Thiruvannamalai District.
(Crime No.10 of 2021)
/Complainant

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Spl.S.C.No.68 of 2021 pending on
the file of the Special Court for Exclusive Trial of Cases under POCSO Act,
2012, Thiruvannamalai.

For Petitioner : Mr. T. Saravanan

For Respondent : Mr. L. Baskaran



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Crl.O.P.No.28406 of 2023

Government Advocate (Crl. Side)



Crl.O.P.No.28406 of 2023

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ORDER

The petitioner seeks bail in Spl.S.C.No.68 of 2021 now pending trial before the Special Court for Exclusive Trial of Cases under POCSO Act, 2012.

2.Originally, the petitioner was arrested and remanded to judicial custody on 16.10.2023 for the offences punishable under Sections 376(2)(n) and 506(ii) of IPC r/w. Sections 5(1), 5(j)(ii) and 6 of POCSO Act, in Crime No.10 of 2021 on the file of the respondent police.

3.It is stated that the petitioner had been granted bail but since he did not appear before the Court, a non-bailable warrant was issued on 06.07.2022 and the petitioner was remanded to custody on 16.10.2023.

4.The learned counsel for the petitioner has filed a memo, stating that there are two individuals who are blood relatives and who are ready to offer themselves as sureties.

5.A memo which had been filed by the petitioner herein may also be filed before the satisfaction Court and one of the two named individuals viz., Venkataramana and Venkatasamy, may, after due verification, be accepted as a blood surety and other surety should be a local surety.

6.Taking all the factors into consideration and the fact that the



Crl.O.P.No.28406 of 2023

petitioner should be given an opportunity to conduct the trial, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two fresh sureties, out of which, one surety must be a blood relative of the petitioner herein, each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Thiruvannamalai**, 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 daily at 10.30 a.m., till conclusion of trial quite apart from 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



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CrI.O.P.No.28406 of 2023

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.

18.01.2024

smv

To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Thiruvannamalai.
- 2.The Inspector of Police,
All Women Police Station,
Polur, Thiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

smv



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CrI.O.P.No.28406 of 2023

CrI.O.P.No.28406 of 2023

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