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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31949 of 2024

Surya ... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Killai Police Station,
Chidambaram, Cuddalore District.

(Crime No.430 of 2020). ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with S.C.No.59 of 2022 pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.

For Petitioner : Mr.A.Sasikumar

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

O R D E R

Petition seeking bail in respect of S.C.No.59 of 2022 pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases

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under POCSO Act, Cuddalore for the offence under Sections 366 IPC, Section 5(1), 6 of POCSO Act and Section 9 of Child Marriage Act, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is facing trial in S.C.No.59 of 2022 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore. He submitted that the petitioner was earlier arrested and later, granted bail and he has been regularly appearing before the trial Court on all hearing dates. He submitted that the petitioner hails from a lower status of the society and he was not approached properly by the counsel, as such, the petitioner was unable to appear before the trial Court on 29.09.2022, thereby, a Non Bailable Warrant was issued by the trial Court, against him. He also submitted that the petitioner has got permanent residence and he is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of bail to the petitioner.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 14.07.2020, the defacto complainant lodged a complaint

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alleging that her minor daughter was missing and doubted one Jeeva, who is said to have abducted the minor girl. The petitioner herein is the uncle of the said Jeeva. He would submit that the petitioner was arrested on 24.10.2024, at his residence.

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**, **of which one shall be a blood related surety**, each for a like sum to the satisfaction of the learned **Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore** 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 learned**

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Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore on all working days at 10.30 a.m. until further orders;

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore

2.The Sub Inspector of Police,
Killai Police Station,
Chidambaram, Cuddalore District.

3. The Superintendent,
Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

Anu

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