



CRL OP(MD). No.279 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Palpandi

... Petitioner/ Accused

Vs

The Inspector of Police,
Palaiyanure Police Station,
Sivagangai District.
Crime No.19 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Vinoth, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the petitioner on bail in Crime No.19 of 2020 on the file of the respondent police in connection with S.C.No.31 of 2020, pending on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 29.11.2022 on execution of Non-Bailable Warrant issued by the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, for the offences



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punishable under Sections 506(i) of IPC & Section 5(1)(m)(n), 5(j)(iii) r/w Section 6 of POCSO Act, in S.C.No.31 of 2020, seeks bail.

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2.The petitioner was absent during the trial in S.C.No.31 of 2020 pending on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai. Thereby, Non Bailable Warrant came to be issued. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 29.11.2022.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. The petitioner has appeared before the Court regularly. Thereafter due to threaten made by the rival parties, the petitioner has not appeared before the trial Court and he has not aware about the progress of the case. Hence, the trial Court issued non bailable warrant against the petitioner and the respondent police executed the same on 29.11.2022. From onwards, he is in custody. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.

4.Heard the learned Additional Public Prosecutor appearing for the State would submit that the non bailable warrant was issued in the year 2020 and he was secured in the year 2022. If he is enlarged on bail, there will no progress in the trial process. Hence, he vehemently, opposed to grant bail to the petitioner.



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5. Considering the period of incarceration and also considering the undertaking given by the petitioner that the petitioner shall appear before the court below regularly on all future hearing dates without fail, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, and on further condition 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 is directed to appear before the Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(c) the petitioner shall report before the trial court daily at 10.30 a.m until the case is committed to the Court of sessions;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. The Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, is directed to complete the trial in S.C.No.31 of 2020 within a period of 6 months from the date of receipt of a copy of this order.

sd/-
09/01/2024

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/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER THE POCSO ACT, 2012,
SIVAGANGAI.



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2 THE INSPECTOR OF POLICE
PALAIYANUR POLICE STATION, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.S.VINOTH, ADVOCATE, SR-600[I] DATED 11/01/2024

ORDER
IN
CRL OP(MD) No.279 of 2024
Date :09/01/2024

RS//SAR-(09.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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