



CRL OP(MD). No.2590 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2590 of 2024

Suresh

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.17 of 2021)

... Respondent/Complainant

For Petitioner : Mr.P.Rajesh, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.51 of 2022, pending on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.



CRL OP(MD). No.2590 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 03.10.2023 on execution of Non-Bailable Warrant issued by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, for the offences punishable under Sections 120B, 4, 3(a) of POCSO Act and Section 366 of IPC in C.C.No.51 of 2022, seeks bail.

2. Based on the complaint given by the defacto complainant, FIR in Crime No.17 of 2021 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he enlarged on bail. Subsequently, after completion the investigation, the Law Enforcing Agency filed a Charge Sheet before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant against him, pursuant to which, he was arrested and remanded to judicial custody on 03.10.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner co-operated with the trial proceedings in all hearings. Due to his ill health, he has failed to appear on 03.10.2023. Hence, Non



CRL OP(MD). No.2590 of 2024

bailable warrant was issued against him on 03.10.2023. So, he was arrested and remanded to judicial custody on the same day and he is in judicial custody for more than 4 months. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner deliberately not co-operate with the trial. Therefore, the trial Court issued Non bailable warrant on 03.10.2023. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side.

6. This Court perused the statement recorded from the victim girl under Section 164 Cr.P.C., It reveals that there was love affair in between the petitioner and the victim girl and the victim girl only forced the petitioner to take her to some other place.

7. Considering the above facts and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

8. 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, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and on further conditions that:



CRL OP(MD). No.2590 of 2024

WEB COPY

(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 learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, 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 not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]; and;

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



CRL OP(MD). No.2590 of 2024

WEB COPY

9. However, the cross-examination will be done by the petitioner/accused without any further delay and without harassing the victim girl.

sd/-
11/03/2024

/ TRUE COPY /

11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Sessions Judge,
Special Court for POCSO Act Cases,
Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District.

3.The Superintendent,
Central Prison,
Palayamkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.2590 of 2024
Date :11/03/2024

ED/ /SAR- (11/03/2024) 5P / 5C



CRL OP(MD). No.2590 of 2024

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023