



CRL OP(MD). No.12614 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.12614 of 2024

S.Balraj

... Petitioner/ Accused

Vs

The Inspector of Police,
AWPS Police Station,
Vallam, Thanjavur District
(Crime No. 4 of 2020).

... Respondent/Complainant

For Petitioner : M/s. Manimaran.Na., Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To grant Bail for the petitioner/accused in Spl.S.C.No. 38 of 2020 in the Hon`ble Principal Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ accused, who was arrested and remanded to judicial custody



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on 19.11.2023, issuance of NBW in SPL.S.C.No.38 of 2020, for the offences punishable under Sections 5(i) r/w. 6, 5(r) r/w. 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act and 468, 471 IPC in Crime No.4 of 2020 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner would submit that the petitioner's absence is neither willful nor wanton. However, he would further submit that the petitioner will abide any condition imposed by this Court.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that due to the non appearance of the petitioner NBW was issued and hence, he strongly opposed to grant bail to the petitioner.

4.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, this Criminal Original Petition is allowed and 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 sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar



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card or Bank Pass Book to ensure their identity;

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(ii) the petitioner shall appear before the concerned Court on each and every hearing date without fail;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/08/2024

/ TRUE COPY /

05/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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To

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1.The Additional District Judge/Presiding Officer,
Principal Social Court for Exclusive Trial of cases under POCSTO Act,
Thanjavur.

2.The Inspector of Police,
AWPS Police Station,
Vallam, Thanjavur District.

3.The Superintendent,
Central male Prison, Trichy.

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

ORDER

IN

CRL OP(MD) No.12614 of 2024

Date :02/08/2024

ED/ /SAR- (05/08/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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