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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20073 of 2024

Raman,
S/o.Mahalingam

... Petitioner/ Accused

Vs

State of Tamil Nadu,
Rep By,
The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
Crime No.2/2019..

... Respondent/ Complainant

For Petitioner : Mr.B.Anandan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.2/2019 on the file of the respondent Police.



ORDER : The Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 25.09.2024 for the alleged offence under Sections 5(1), 5(j)(ii) r/w. Section 6 of POCSO Act, in Crime No.2 of 2019, on the file of the respondent police, seeks bail.

2. The petitioner was facing trial before the Court below in Spl.S.C.No.20 of 2020 for various offences under the POCSO Act. On 24.09.2024, the petitioner was not present before the Court and therefore, NBW was issued against the petitioner and he was secured and he was produced before the Court on the very next day i.e., 25.09.2024 and he was remanded to judicial custody.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned counsel for the petitioner submitted that already compromise talks are going on in this case and he further submitted that the petitioner undertakes to be present before the Court during every date of hearing without fail.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that the case was at the stage of defence side argument and at that point of time, the petitioner absconded.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 25.09.2024

and the case is at the stage of final arguments and this Court has already fixed a



time frame in CrI.OP(MD). NO.8418 of 2023 by order dated 19.11.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, 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 Court below during every date of hearing without fail.

[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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
20/11/2024

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

TO

1.The Principal Special Judge
for Exclusive Trial of Cases under POCSO Act,
Thanjavur.

2.The Officer-in-Charge,
Central Prison,
Tiruchirappalli.

3.The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.

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



+1. CC to B.ANANDAN Advocate SR.No.14276

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ORDER
IN
CRL OP(MD) No.20073 of 2024
Date :20/11/2024

MGJ(20.11.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023