



CRL OP(MD). No.21572 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21572 of 2024

Vijay

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No. 318 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Muthu.K.MU., Advocate
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in Spl.S.C.No.167 of 2023 on the file of Special Court for Exclusive Trial of Cases Under POCSO Act, Dindigul in Crime no.318 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 06.08.2024 for the offences under Sections 294(b), 323, 363 of IPC and Section 4 of TNPHW Act and Sections 5(1)(j)(ii), 6, 21(1) of POCSO Act in Crime No.318 of 2021



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on the file of the respondent police, seeks bail.

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2. The case was pending before the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul in Spl.S.C.No.167 of 2023. When the matter came up for hearing on 28.01.2023, the petitioner did not appear before the Court and hence non bailable warrant was issued against the petitioner. Ultimately, the petitioner surrendered before the Court only on 06.08.2024 and he was remanded to judicial custody.

3.The petitioner filed the earlier bail petition in CrI.O.P(MD)No.17883 of 2024 and this Court by order, dated 19.10.2024 dismissed the petition on the ground that the petitioner had jumped bail and that there was delay in trial only because of the abscondence of the petitioner.

4.When the matter was taken up for hearing today, the learned Additional Public Prosecutor submitted that P.W.1 to P.W.6 were examined by the prosecution and these witnesses were also cross examined by the petitioner. He further submitted that the case is now posted for examination of other prosecution witnesses on 17.12.2024.

5.Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner has already suffered incarceration from 06.08.2024 and already some of the witnesses have been examined on the side of the



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prosecution and they have also been cross examined, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered 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 learned Judge, Special Court of Exclusive Trial of Cases under POCSO Act, Dindigul 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 Judge, Special Court of Exclusive Trial of Cases under POCSO Act, Dindigul daily at 10.30 a.m including the date on which the case is posted for hearing until further orders.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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].

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

sd/-
09/12/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1 THE JUDGE,
SPECIAL COURT OF EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, DINDIGUL.

3 THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.21572 of 2024

Date :09/12/2024

RS/IT/SAR-(09.12.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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