



Crl.O.P.No.721 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.721 of 2025

Akash

... Petitioner

Vs.

State, Rep. by
The Inspector of Police
AWPS Sooramangalam Police Station
Salem District
(Crime No.12/2023)

... Respondent

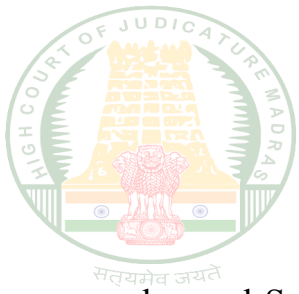
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
Spl.S.C.No.187 of 2023 on the file of the learned Sessions Judge, Special Court
for exclusive trial of cases under POCSO Act, Salem.

For Petitioner : Mr.C.Deepakkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in in Spl.S.C.No.187 of 2023 on the file of the

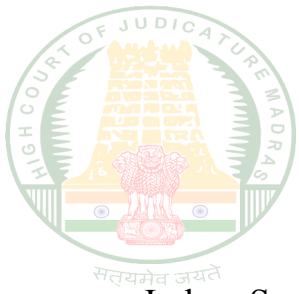


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learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem, registered for the offences punishable under Sections 366, 506(ii), 376(DA) of IPC and Section 5(g), 5(u) r/w. 6 of POCSO Act, 2012 is on board for consideration.

2.The incarceration of the petitioner being from 14.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is an accused facing trial in Spl.S.C.No.187 of 2023 on the file of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem. He further submits that due to viral fever the petitioner was unable to appear before the trial Court on 24.10.2024, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was formally arrested on 14.11.2024. He further undertakes that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

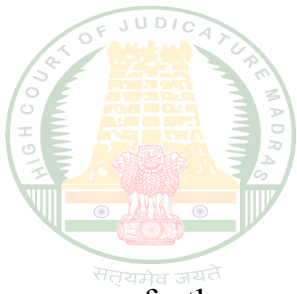
3.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail, submits that the petitioner who is facing trial in Spl.S.C.No.187 of 2023 on the file of the learned Sessions



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Judge, Special Court for exclusive trial of cases under POCSO Act, Salem, failed to appear before the trial court on 24.10.2024, as a result, the trial judge issued a Non-Bailable Warrant for his arrest, which was executed on 14.11.2024. He further submits that earlier NBW was issued against the petitioner on 05.02.2024 and the same recalled on 24.08.2024, since the petitioner absconded, again NBW was issued on 24.10.2024, in which only the petitioner was arrested now. He further submits that the case is pending for execution of NBW issued against A1, before the trial Court. He further submits that if the petitioner is granted bail, there is a high risk that he may abscond again and become unavailable for trial proceedings.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of which, one surety should be a blood related surety) each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem, and on



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further conditions that:

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[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 Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Sessions Judge, Special Court for exclusive
trial of cases under POCSO Act, Salem

2.The Inspector of Police,
AWPS Sooramangalam Police Station
Salem District

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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