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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2601 of 2025

Akash

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Adayar, Chennai.

(Crime No.3 of 2022)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Spl.S.C.No.57 of 2022 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu.

For Petitioner	:	Mr.K.Raveendran
For Intervenor	:	Mr.M.Govindaraju
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (Crl. Side)



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ORDER

The petitioner, who is facing trial for the offences under Sections 354C, 366 and 506(i) of IPC and Section 11(iv)(v), 5(l) r/w 6(1) of POCSO Act, 2012, in Spl. S.C.No.57 of 2022 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, was initially granted bail by the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, in CrI.M.P.No.917 of 2022 dated 14.07.2022. Thereafter, on the allegations that the petitioner had called the victim and thus violated the bail order, this Court had cancelled the bail order by order dated 25.04.2024.

2.The learned counsel for the petitioner would submit that pursuant to the cancellation of bail, the petitioner has suffered incarceration for nearly eleven months and considering the stage of trial and the period of incarceration, sought for bail.

3.The learned counsel for the defacto complainant would submit that the petitioner had attempted to tamper with the witnesses and hence, this Court had rightly cancelled the bail.



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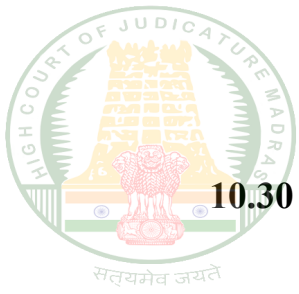
4. Heard the learned Government Advocate (Crl. Side) for the respondent.

5. Considering the fact that the petitioner had suffered incarceration for eleven months for the violation of the bail conditions, the fact that the trial is not likely to be concluded in the near future, this Court is of the view that further custody of the petitioner is not required. However, it is needless to say that the State can move a petition for cancellation, if there are any supervening circumstances which warrants cancellation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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**, each for a like sum to the satisfaction of the learned **Special Judge for POCSO Act, Chengalpattu**, 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 Trial Court everyday at



10.30 a.m., until further orders;

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

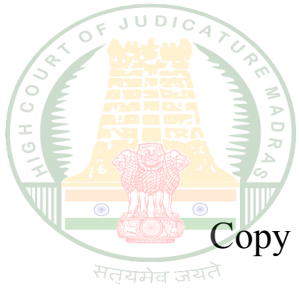
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 B.N.S.

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1. The Inspector of Police,
All Women Police Station,
Adayar, Chennai.
2. The Special Judge for POCSO Act,
Chengalpattu.
3. Sub Jail, Chengalpattu.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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