



Crl. O.P. No.3065 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3065 of 2025

Aravinth S/o. Ravichandran

... Petitioner

Vs.

The State represented by,

The Inspector of Police,
All Women Police Station,
Tiruvannamalai,
Tiruvannamalai District.
(Crime No.7 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.7 of 2020, pending investigation on the file of the respondent Police.

For Petitioner : Mr. B. Balavijayan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.12.2023, seeking bail in Spl. S.C.No.123 of 2020 pending trial on the file of the learned Special Judge for



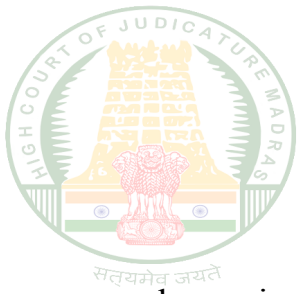
Crl. O.P. No.3065 of 2025

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POCSO Act cases, Tiruvannamalai, in connection with Crime No.7 of 2020 registered for the offences punishable under Sections 376 AB, 354 A (ii), 366, 363 of IPC and Sections 5(m), 6, 11(i) and 12 of POCSO Act 2012.

2. The petitioner was originally arrested on 08.03.2020 and he was released on bail. He is facing trial for the offences under Sections 376 AB, 354 A (ii), 366, 363 of IPC and Sections 5(m), 6, 11(i) and 12 of POCSO Act 2012. During the trial, due to his non-appearance, non-bailable warrant was issued on 21.07.2023. The petitioner surrendered on 05.08.2023 and again on 21.09.2023 NBW was issued, as the petitioner was absent and he surrendered on 04.12.2023.

3. Learned counsel appearing for the petitioner submitted that, due to his non-appearance, he is suffering incarceration for the past almost 2 years and he has filed a petition u/s.311 of Cr.P.C. stating that due to medical emergency he was not able to appear and the same was dismissed; that the petitioner is not able to defend his case during the trial and that the petitioner's non appearance is neither wilful nor wanton. Hence, he prayed for grant of bail to the petitioner. The learned counsel for the petitioner further submitted that the petitioner has cross examined the prime witnesses PW1, PW2, PW6 and PW8 and hence there is



Crl. O.P. No.3065 of 2025

change in circumstances.

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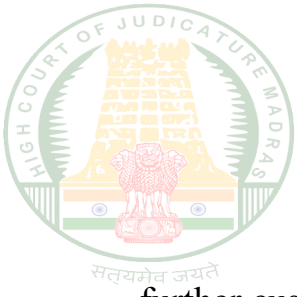
4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and on instructions, confirmed the fact that the trial is likely to be concluded. He further submitted that this is the second bail application before this Court.

5. The earlier bail application in Crl. O.P. No.15285 of 2024 was dismissed by this Court on 09.07.2024 by making the following observations:

"2. The status as prevailed in the previous occasion still remains. There is no change in circumstances. Hence, I am not inclined to grant bail at this juncture. The Criminal Original Petition stands dismissed. If the petitioner cross-examines the material witnesses, then he can come forward to seek bail once again".

Now, admittedly, the prime witnesses have been cross examined.

Considering the change in circumstances, period of incarceration and since



Crl. O.P. No.3065 of 2025

further custody is not required, 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 Court for exclusive trial of POCSO Act Cases, Tiruvannamalai**, 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 concerned 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;



Crl. O.P. No.3065 of 2025

WEB COPY

[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.

12.03.2025

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To

1. The Special Court for exclusive trial of POCSO Act Cases, Tiruvannamalai.
2. The Inspector of Police, All Women Police Station, Tiruvannamalai, Tiruvannamalai District.
3. The Superintendent, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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Crl. O.P. No.3065 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.3065 of 2025



WEB COPY



Crl. O.P. No.3065 of 2025

12.03.2025