



CRL OP NO. 3930 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3930 of 2025

Sathishkumar@Chinnapaiyan

... Petitioner

Vs.

State Rep By The Inspector Of Police
Nagapattinam All Women Police Station,
Nagapattinam District.
Crime No. 14 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.14 of 2020, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar
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 01.03.2024, seeking bail in Crime No. 14 of 2020 registered for the offences under Sections 10 r/w 9 (m), 6 r/w 5 (m) r/w 18 of the POCSO Act, 2012.



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2. The petitioner is facing trial for the offences under Sections 10 r/w 9 (m), 6 r/w 5 (m) r/w 18 of the POCSO Act, 2012 and he was issued NBW for his non appearance on 26.09.2023 and was arrested on 01.03.2024 and is in judicial custody from then. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he is in custody from 01.03.2024 and hence, the petitioner may be released on bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner was arrested on execution of NBW for his non appearance; that earlier he was issued NBW twice; that once the same was recalled by the petitioner and pursuant to the second NBW, thereafter he was arrested and released on bail and this is the third time an NBW was issued again for his non appearance and opposed the grant of bail.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Considering the fact that the petitioner was released on bail earlier, and he is in judicial custody from 01.03.2024, further custody of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **learned Special Court under POCSO Act, Nagapattinam.**

[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



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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.

17.02.2025

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To

1. The Special Court under POCSO Act, Nagapattinam
2. The Inspector Of Police
Nagapattinam All Women Police Station,
Nagapattinam District.
3. The Superintendent,
Central Prison, Trichy
4. The Public Prosecutor,
High Court of Madras.

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