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CRL O.P. No.4225 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4225 of 2025

Sampath @ Sampathkumar

... Petitioner / Accused

Versus

State Rep. By
Inspector of Police,
Kuniyamuthu Police Station,
Coimbatore City,
Coimbatore District.
(Crime No.335 of 2015)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail in Spl.S.C.No.29 of 2019 pending on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act.

For Petitioner : Mr. T. Balaji.

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



CRL O.P. No.4225 of 2025

ORDER

This Criminal Original Petition has been filed by the petitioner, who was in judicial custody from 03.12.2024, seeking bail in Spl.C.C.No.29 of 2019 pending on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

2. The case of the prosecution is that the petitioner was facing trial for the offence under Sections 366 of IPC, Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(l) read with 6 of POCSO Act, 2012 in Spl.C.C.No.29 of 2019; that he had not appeared before the trial Court inspite of summons and hence a non bailable warrant was issued on 09.10.2024 and then the petitioner voluntarily surrendered on 03.12.2024 and the petitioner is still in custody.

3.The learned counsel for the petitioner would submit that the petitioner was not aware of the summons and he has been hospitalized and his absence before the trial Court is neither willful nor wanton. In any case, he has voluntarily surrendered before the trial Court on



CRL O.P. No.4225 of 2025

03.12.2024 and is still in custody. Hence, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) while opposing for grant of bail to the petitioner, reiterated the case of the prosecution and submitted that since the case is pending for trial, if the petitioner is released on bail, there is every possibility of him absconding again and he may not be available for trial.

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

6. Considering the aforesaid facts; the period of incarceration; and that since further custody is not required, this Court is inclined to grant bail to the petitioner with stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



CRL O.P. No.4225 of 2025

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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

[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 twice a week i.e., on monday and thursday and on all hearing dates 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



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CRL O.P. No.4225 of 2025

FIR can be registered under Section 269 B.N.S.

19.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
Kuniyamuthu Police Station,
Coimbatore City,
Coimbatore District.

3.The Principal Special Court for Exclusive
Trial of Cases under POCSO Act,
Coimbatore.

4.The Central Prison,
Coimbatore.



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CRL O.P. No.4225 of 2025

SUNDER MOHAN. J,

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CRL O.P. No.4225 of 2025

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