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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8867 of 2025

Murugesan

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Perundurai Police Station,
Erode District.

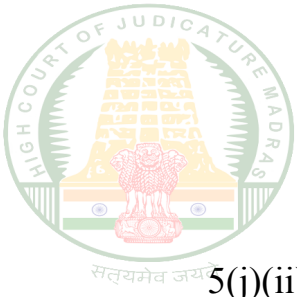
(Crime No.101 of 2021)

... 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.73 of 2023 on the file of the Magalir Neethi Mandram, (Fast Track Mahila Court), Erode.

For Petitioner : Mr.G.Sai Narayana Vasan

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



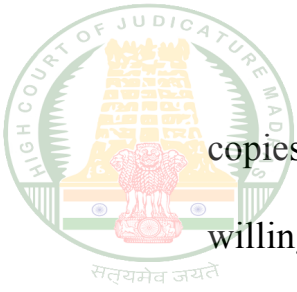
ORDER

The petitioner, who is facing trial for the offence under Sections 5(1), 5(j)(ii), 5(n) r/w 6 of POCSO Act in Spl.S.C.No.73 of 2023 on the file of the Magalir Neethi Mandram, (Fast Track Mahila Court), Erode, did not appear before the Trial Court on 02.08.2024 and a Non-Bailable Warrant has been issued and thereafter, the same was executed on 04.12.2024 and remanded to judicial custody and hence, seeks bail.

2.The learned counsel for the petitioner would submit that petitioner has permanent residential address and that he is willing to offer sufficient sureties to ensure his presence in the trial and that in any case, considering the period of incarceration, he may be released on bail.

3.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner does not have permanent residence and hence, if he is now released on bail, it would be difficult to secure him.

4.At this juncture, the learned counsel for the petitioner produced



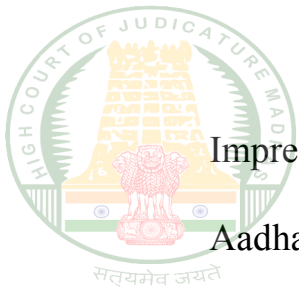
copies of Aadhar Card of the petitioner's wife and his sister-in-law, who are willing to offer themselves as sureties for the release of the petitioner.

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5.Considering the aforesaid facts, the period of incarceration and since the petitioner was on bail earlier, this Court is of the view that further custody of the petitioner is not required. 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 (the following persons shall stand as sureties, namely M.Kowsalya, residing at Nandhavana Street, Tirchengode, Namakkal, Tamil Nadu – 637211 and Rajathi Murugesan, residing at Amman Nagar, Parumalpalayam, Emapalli Post, Namakkal, Tamil Nadu – 637 211)**, each for a like sum to the satisfaction of the learned **Magalir Neethi Mandram (Fast Track Mahila Court), Erode**, 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;

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

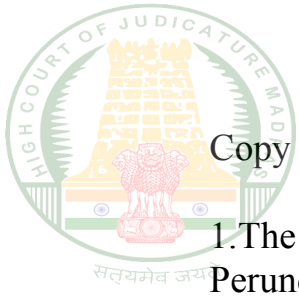
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

01.04.2025

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Copy to:

1.The Inspector of Police,
Perundurai Police Station,
Erode District.

2.The Magalir Neethi Mandram (Fast Track Mahila Court), Erode.

3.District Jail, Gobichettipalayam.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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