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Crl.O.P.No.10050 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10050 of 2025

Chinnathambi

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Tholasampatti Police Station,
Salem District.

(Crime No.163 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.87 of 2023 on the file of the Special Court for Cases under POCSO Act, Salem.

For Petitioner : Mr.C.Deepakkumar

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



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ORDER

The petitioner, who is facing trial for the offence under Section 366 of IPC and Section 9 of Protection of Child Marriage Act, 2006 and Section 5(1) r/w 6 of POCSO Act, 2012 in Spl.S.C.No.87 of 2023 on the file of the Special Court for Cases under POCSO Act, Salem, seeks bail. The petitioner who was on bail did not appear before the Trial Court and NBW was issued on 03.12.2024 and the same was executed on 08.03.2025.

2.The learned counsel for the petitioner would submit that due to health issues, the petitioner was unable to appear before the Trial Court on 03.12.2024 and hence, NBW was issued and the petitioner was arrested on 08.03.2025; that the petitioner is in custody from 08.03.2025 and hence, he may be released on bail.

3.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the fact that it is the case of love affair.



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4.Considering the aforesaid facts, the period of incarceration, the fact that the petitioner was earlier granted bail, 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.

5.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 **Special Court for Cases under POCSO Act, Salem**, 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 Trial Court everyday at 10.30 a.m., until further orders;

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



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[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.

08.04.2025

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Copy to:

1.The Inspector of Police,
Tholasampatti Police Station,
Salem District.

2.The Special Court for Cases under POCSO Act, Salem.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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