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Crl.O.P.No.10572 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.10572 of 2025

Balaraman @ Duraiah

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Saidapet, Chennai.

(Crime No.3 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in pending investigation in Spl.SC. No.144 of 2024 on the file of the Special Court under POCSO Act, Chennai.

For Petitioner : Mr.S.Santhosh Kumar

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 20.03.2025 and facing trial for the offence under Sections 451 of IPC and 9(k), 9(n) r/w 10 of POCSO Act, 2012 on the file of the learned Special Court under POCSO, seeks bail.

2. The case of the prosecution is that the petitioner is facing trial for the offences under Sections 451 of IPC and 9(k), 9(n) r/w 10 of POCSO Act, 2012 on the file of the learned Special Court under POCSO; that he was earlier released on bail on 18.06.2024 and the bail was cancelled on the ground that the petitioner's counsel did not appear on 20.03.2025 during examination of L.W.1 to L.W.5 and that the petitioner was remanded to judicial custody on the same day on 20.03.2025.



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3. The learned counsel for the petitioner would submit that the petitioner was present during the hearing and he sought time to engage a new counsel and further submitted that the petitioner has now engaged a counsel to defend his case and that the petitioner is in custody from 20.03.2025 and hence, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirms the aforesaid facts.

5.Considering the aforesaid facts, the period of incarceration, the fact that the petitioner was earlier granted bail and that the petitioner has engaged a counsel to defend his case before the Trial Court, 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.



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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 Cases under POCSO Act, Chennai** and on further conditions that:

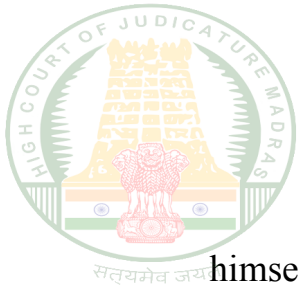
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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;

[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



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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

rkp

Copy to:

- 1.The Inspector of Police,
All Women Police Station,
Saidapet, Chennai.
- 2.The Special Court for Exclusive Trial of Cases,
under POCSO Act, Chennai.
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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