



Crl.O.P.No.14221 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14221 of 2025

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... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
AWPS Ammapet Police Station,
Salem District.
(Crime No.32 of 2023).

... Respondent

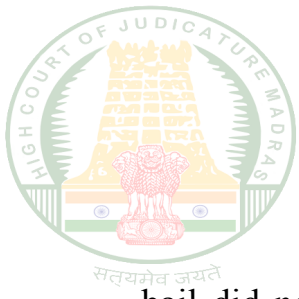
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in Spl.C.C. No.229 of 2023 on the file of the Special Court for Cases under POCSO Act, Salem.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.03.2025 for the offences punishable under Sections 5(1) r/w 6 of POCSO Act, 2012, in in Spl.C.C. No.229 of 2023 on the file of the learned Judge, Special Court for Cases under POCSO Act, Salem, seeks bail. The petitioner who was on

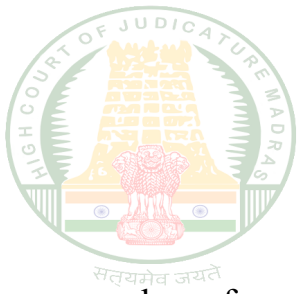


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bail did not appear before the Trial Court and NBW was issued on 05.04.2025 and the same was executed on 01.03.2025.

2. The contention of the learned counsel appearing for the petitioner is that the petitioner is regularly appearing before the Trial Court either personally or through his learned counsel. Due to his ill health, he was unable to appear before the Trial Court on 05.04.2024 and also could not inform his learned counsel in time and hence for his absence, on 05.04.2025, NBW was issued and the petitioner was arrested on 01.03.2025. The petitioner is a College student and now he has been completed his studies and is scouting for an employment and he is the breadwinner of the family and due to his incarceration, he is unable to pay the Advocate fee and also give proper instruction to his Advocate and the Trial is to commence shortly and hence, he may be released on bail.

3.Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioner was earlier arrested and granted bail and from the date of charge framing, he was constantly absented himself and hence, the Trial Court has issued NBW and thereafter, for one year the petitioner has not taken any steps to recall the NBW or approached this Court and the NBW was executed on 01.03.2025. The petitioner is residing with his parents in Mettur and submitted that the petitioner is a College student and further submitted that the charges have



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been framed and the case is now posted for examination of L.W.1 & L.W.2.

4. Heard both sides and perused the materials available on record.

5. In view of the aforesaid fact that the petitioner is permanently residing in Mettur with his parents and the trial is commenced, the petitioner has to necessarily instruct his Advocate to defend his case and considering 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.

6. Accordingly, the petitioner is ordered to be released on bail on conditions that:

i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Court for Cases under POCSO Act, Salem.

ii) The petitioner shall appear before the Trial Court on all hearing dates without fail and in the event of his absence, he shall inform his Advocate to represent the petitioner.

iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;



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- iv) The petitioner shall make himself available for interrogation by a Police Officer as and when required;
- v) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;
- vi) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;
- vii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].
- viii) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

rkp/ep

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

1. The Judge, Special Court for Cases under POCSO Act, Salem.
2. The Inspector of Police,
AWPS Ammapet Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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