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CRL A No. 1522 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1522 of 2025

1. MUBARAK

S/o.Appas, 93B, Anna Nagar, Pollachi,
Aanaimalai, Coimbatore.

Appellant(s)

Vs

1. The State Rep By Its,
The Deputy Superintendent of Police,
Superintendent of Police Office Rural,
Anaimalai Pollachi, Coimbatore
District - 642 104

2.The Inspector of Police,
The Inspector of Police, Anaimalai
Police Station, Coimbatore District

3.Manimegalai
W/o.Nagaraj, Durai Compound,
Vadakkalur Amman Kovil Street,
Aanaimalai, Coimbatore

Respondent(s)

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PRAYER

To call for the records and set aside the order passed in CMP NO.217 OF 2025 dated 24.04.2025 on the file of the Learned Principal Special Court for Exclusive Trial of the Case under POCSO ACT COIMBATORE and grant bail to the Appellant in SPL.SC.NO.271 OF 2024 pending on the files of the Respondent.

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For Appellant(s): S.Manoj Vasanth
K.Arun Goutham
T.Subhiksha
M.Thiyageswaran

For Respondent(s): Public Prosecutor For R1 And
R2
Court Notice Service Awaited
For R3
Private Notice Permitted - Proof
Not Filed
Notice Served On R3

ORDER

This Criminal Appeal has been filed to call for the records and set aside the order passed in CMP NO.217 of 2025 dated 24.04.2025 on the file of the Learned Principal Special Court for Exclusive Trial of the Case under POCSO ACT COIMBATORE and grant bail to the Appellant in SPL.SC.NO.271 OF 2024 pending on the file of the Respondent police.

2. The case of the prosecution is that the appellant committed penetrative sexual assault against the victim girl. Based on the complaint given by the defacto complainant the respondent registered FIR for the offence punishable under Sections 342, 366, 376 AB IPC, Section 5(i), 5(m) r/w 6 of POCSO Act, and Section 3(1)(w)(i) r/w 3(2)(V) SC/ST (POA) Act. Thereafter, the appellant was arrested and released on bail. During the Trial the appellant has failed to appear before the Trial Court on 23.01.2025, hence, the NBW issued against the appellant and the respondent police executed the warrant and remanded



him to judicial custody. Thereafter, the petitioner filed CMP NO.217 of 2025 on the file of the Principal Special Court for Exclusive Trial of the Case under POCSO Act Coimbatore, seeking bail but the Trial Court dismissed the said petition. Aggrieved over the same, the petitioner filed this appeal.

3. The learned counsel for the appellant submits that final report has been filed in this case and 9 witnesses were examined including prime witnesses. Further, he submits that lack of communication between the appellant and his counsel, the appellant has not able to appear before the Trial and his absence is neither wilful nor wanton. Hence, he prays to allows this appeal.

4. The learned Government Advocate(Crl. Side) states that the 9 witnesses were examined. However, he raised objection to allow this appeal.

5. Considering the facts and circumstances of the case and also the fact that statement of the victim girl has been recorded and also the prime witnesses were examined. Hence, this Court is inclined to grant bail to the appellant. Accordingly, the order made in CMP NO.217 of 2025 dated 24.04.2025 on the file of the Learned Principal Special Court for Exclusive Trial of the Case under POCSO Act Coimbatore, is hereby set aside. This Criminal Appeal stands allowed.

6. The appellant is ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two



sureties, each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of the Case under POCSO Act Coimbatore 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 appellant shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., till the completion of Trial.

[c] the appellant shall not abscond either during investigation or trial.

[d] the appellant 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 appellant in accordance with law as if the conditions have been imposed and the appellant 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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1.The Principal Special Court for
Exclusive Trial of the Case under
POCSO Act Coimbatore.

2. The Deputy Superintendent of
Police, Superintendent of Police Office
Rural, Anaimalai Pollachi, Coimbatore
District - 642 104

3.The Inspector of Police,
The Inspector of Police, Anaimalai
Police Station, Coimbatore District.

4. The Central Prison, Coimbatore.

5. The Public Prosecutor, High court,
Madras.



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T.V.THAMILSELVI J.
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