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Crl.O.P.No.32566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32566 of 2024

Ravi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Mangalamedu,
Perambalur District.

(Crime No.03 of 2013).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with S.C.No.21 of 2019 pending on the file of the learned Sessions Judge, Mahila Court, Perambalur District.

For Petitioner : Mr.R.Balakrishnan

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

ORDER

Petition seeking bail in respect of S.C.No.21 of 2019 pending on the file of the learned Sessions Judge, Mahila Court, Perambalur District for the



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offence under Sections 7, 9(g)(n), 10 of POCSO Act @ Section 7 r/w Section 8 of POCSO Act, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is facing trial in S.C.No.21 of 2019 on the file of the learned Sessions Judge, Mahila Court, Perambalur District. He submitted that the petitioner was regularly appearing before the Court, since he was mentally affected, he could not appear before the trial Court on 07.08.2019, thereby, a Non Bailable Warrant was issued by the trial Court, against him. Subsequently, after taking treatment, while the petitioner was taking steps to surrender, he was arrested on 28.08.2024. He also submitted that the trial in respect of the other co-accused has ended in acquittal and that charges have been framed and trial is going on. He further submitted that the petitioner undertakes to appear before the trial Court regularly without fail and is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of bail to the petitioner.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that it is a case of jumped bail and that a Non Bailable Warrant was



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issued by the trial Court against the petitioner on 07.08.2019 and the petitioner was arrested on 28.08.2024. He would submit that the trial in respect of the other co-accused has ended in acquittal and that charges have been framed and trial is going on. He would submit that P.W.1 to P.W.10 have been examined and 5 more witnesses have to be examined.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking into account that the petitioner was unable to appear before the trial Court, since he was mentally unstable and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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, of which one shall be a blood related surety**, each for a like sum to the satisfaction of the learned **Sessions Judge Mahila Court, Perambalur** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned Sessions Judge Mahila Court, Perambalur on all working days 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 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 269 of B.N.S.

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To

1. The Sessions Judge Mahila Court, Perambalur
2. The Inspector of Police,
All Women Police Station,
Mangalamedu,
Perambalur District.
3. The Superintendent,
Sub Jail, Perambalur
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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