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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3498 of 2025

Rajapandi

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Town West Police Station,
Dindigul District.
Crime No.526 of 2017

... Respondent/ Complainant

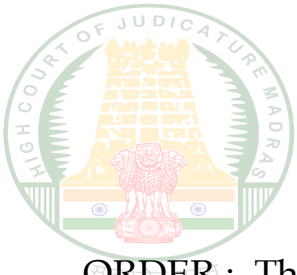
For Petitioner : Mr.M.Suresh

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in connection with Spl.S.C.No.168 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POSCO Act, Dindigul.



ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 21.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused No.5 was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 27.01.2025. The petitioner is facing trial in Spl.S.C.No.168/2024 on the file of the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, for the offences punishable under Sections 399 and 402 of IPC in connection with Crime No.526 of 2017 on the file of the respondent-Police.

3. The case of the prosecution is that on 19.12.2017, at about 09:00 hours, while the respondent-police were on patrol duty near M.V.M. Nagar Park, Dindigul, they found that the accused persons had gathered together with deadly weapons for the purpose of committing robbery. Hence, the case.

4. After the investigation, the respondent-police filed the charge sheet against



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the accused persons. The case was committed to the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POSCO Act, Dindigul and the same was taken on file as Spl.S.C.No. 168 of 2024. The trial commenced. Since the petitioner failed to appear before the trial court, a Non-Bailable Warrant was issued against the petitioner on 08.01.2025 and executed on 27.01.2025.

5. Mr.M.Suresh, the learned counsel appearing for the petitioner, submits that since the petitioner did not appear before the Trial Court on 08.01.2025, Non Bailable Warrant was issued against the petitioner and the same was executed on 27.01.2025. He further submits that the petitioner, due to poverty, went to a remote village in Kerala for a job and, therefore, was not aware of the issuance of the NBW. He could not return, and the non-bailable warrant was issued without adhering to the principles of natural justice. He therefore prays to grant bail to the petitioner.

6. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner went to Kerala for only two days and, although the petitioner was well aware of the hearing date, he did not appear before the Trial Court. He further submits that the petitioner has eight previous cases. Further, he submits that the case has now been committed to the



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Sessions Court and has been taken on file in Spl.S.C.No.168 of 2024, before the learned Special Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul. He further submits that in these circumstances, if the bail is granted to the petitioner, he may abscond and delay the trial proceedings. Therefore, he prays to dismiss this Criminal Original Petition.

7. Heard on both sides. This Court has perused the records.

8. The Trial Court issued NBW on 08.01.2025 and the same was executed on 27.01.2025. The petitioner claims that since he went to Kerala, he did not appear before the Trial Court on the hearing date. This Court has satisfied with the reasons assigned by the petitioner. Considering the same and also considering the period of incarceration and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Sessions Judge, Special Court



for Exclusive Trial of Cases under POCSO Act, Dindigul;

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(ii) 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul;

(vii) The petitioner shall appear and sign before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul, on all



working days at 10:30 a.m., until further orders, and shall also appear whenever the
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Court requires the petitioner's appearance; and

(viii) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
25/02/2025

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25/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd
TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.



3 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3498 of 2025
Date :25/02/2025

NBF/SAR/ (25/02/2025) 7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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