



CRL OP(MD). No.8278 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02/06/2025

CORAM

THE HONOURABLE MR. JUSTICE **P. VADAMALAI**

CRL OP(MD). No.8278 of 2025

Pandeeswaran,
S/o.Muthuraman,
Having Address at:
East Colony Street,
Melasinthalaicherry,
Pannaipuram,
Uthamapalayam Taluk,
Theni District

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kombai Police Station,
Theni District.
(In Crime No. 127 of 2024).

... Respondent

PRAYER :- Criminal Original Petition is filed under Section 483 (1)(B) r/w 528 of BNS, 2023, to modify the condition imposed on the petitioner by the learned Principal Sessions Court for Exclusive Trial of cases under POCSO Act, Theni in Crl.M.P.No.976 of 2024 dated 22.10.2024 with regard to the execution of sureties as to accept two sureties without insisting solvency certificates instead of two sureties each for a like sum.

For Petitioner : M.Vivek Kumar

For Respondent : Mr.S.Prakash

Government Advocate (Crl.Side)



CRL OP(MD). No.8278 of 2025

WEB COPY

ORDER

This petition has been filed by the petitioner to modify the condition imposed on the petitioner by the learned Principal Sessions Court for Exclusive Trial of cases under POCSO Act, Theni in Crl.M.P.No.976 of 2024 dated 22.10.2024 with regard to the execution of sureties as to accept two sureties without insisting solvency certificates instead of two sureties each for a like sum.

2. The learned counsel appearing for the petitioner would submit that the trial Court is insisting the petitioner to produce solvency certificates for the sureties, but the petitioner is unable to produce solvency certificates for a sum of Rs.25,000/-. Hence, the petitioner has already approached the Principal Sessions Court for Trial of cases under POCSO Act, Theni in Crl.M.P.No.1027 of 2024, but the same was dismissed and he is unable to come out on bail for the reasons that the sureties were not accepted. Therefore, he filed this petition to modify the condition.

3. Heard the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the records.

4. The petitioner was arrested on 18.08.2024 for the offences under Sections 332 (C) of BNS and Sections 7 and 8 of the Protection of Children from Sexual Offences



CRL OP(MD). No.8278 of 2025

(POCSO) Act in Crime NO.127 of 2024 and the petitioner was granted bail by the Principal Sessions Court for Exclusive Trial of cases under POCSO Act, Theni in Crl.M.P.No.976 of 2024 dated 22.10.2024 on the following conditions:

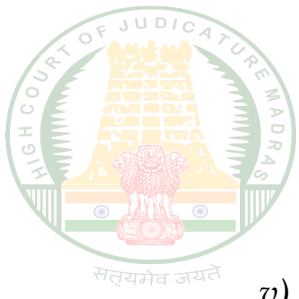
"6. Therefore the petitioner is ordered to be released on conditional bail on his executing a bond for a sum of Rs.25,000/-with two sureties each for the like sum. Also the following conditions are imposed on the petitioner.

I) The petitioner shall appear before the SHO of Kombai P.S. daily at 10.00 A.M. for a period of 20 days after his release.

ii) The petitioner shall not contact the victim child and his family members either directly or through electronic medium.

iii) The petitioner shall appear before this court on every hearing without fail.

iv) The petitioner shall not dissuade or tamper with the prosecution witness.



CRL OP(MD). No.8278 of 2025

WEB COPY

v). The Petitioner shall not abscond either during the investigation or Trial."

5. It is seen that the petitioner was arrested on 18.08.2024 and despite the statutory bail granted on 22.10.2024, unfortunately, he is unable to come out on bail for the reasons that the sureties were not accepted. Considering the facts and circumstances of this case and the period of incarceration, this Court is inclined to allow this petition. Accordingly, this Criminal Original Petition is allowed and the Trial Court is directed not to insist the petitioner to produce solvency certificates and all other conditions shall remain unaltered.

sd/-
02/06/2025

/ TRUE COPY /

/06/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MAC
TO

1 THE PRINCIPAL SESSIONS JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THENI.

2 THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION,
THENI DISTRICT.



CRL OP(MD). No.8278 of 2025

WEB COPY

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

ORDER
IN
CRL OP(MD) No.8278 of 2025
Date :02/06/2025

SS/SAR- /10/06/2025/ 5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023