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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 33984 of 2026

CNR: {HCMA012781232026}

Vivek @ Nethaji
S/o.Ragupathy,
No.337, Pillaiyar Kovil Street,
Kammavarpalaiyam,
Theruali,
Thiruvallur District.

Case QR

..Petitioner(s)

Vs

The State Represented by the Inspector of Police
Gummidipoondi Police Station,
Thiruvallur District.
Crime No.213 of 2018

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail concerned in Spl.S.C.No.66 of 2019 pending trial before the Learned Sessions Judge, Sessions Judge, Special Court for Exclusive Trail of Cases under POCSO Act, Thiruvallur, on such terms and conditions and as this Hon'ble Court may deem fit and proper

For Petitioner(s): Mr.N.Arun Kumar

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner seeks bail in Spl.S.C. No.66 of 2019 in Crime No.213 of 2018, on the file of the respondent police for the offence under Sections 294(b), 323, 506(ii), 366, 342, 376(AB) of IPC and Section 5(I), 5(m) r/w 6 of POCSO

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Act, 2012. The petitioner has been remanded to judicial custody on 26.10.2026 on execution of NBW issued against him on 02.09.2026.

2.Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in Spl.S.C. No.66 of 2019. He further submitted that since the petitioner was unable to appear before the trial Court, due to unavoidable circumstances, he was issued with the non-bailable warrant on 02.09.2026, and pursuant to the same, he was arrested on 26.10.2026. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is arrayed as A1, is facing trial in Spl.S.C. No.66 of 2019. Since the petitioner failed to appear before the trial Court, a NBW was issued against him on 02.09.2026, pursuant to which he was arrested and remanded to judicial custody on 26.10.2026. He further submitted that the petitioner has no previous cases pending against him. Hence, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

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5. It is a case under POCSO Act. Due to non-appearance, a NBW was issued against the petitioner on 02.09.2026 and he was arrested and remanded to judicial custody on 26.10.2026. The case is now posted for Investigating Officer on 27.11.2026.

The learned counsel for the petitioner submitted that the petitioner had been regularly appearing before the Trial Court, and on one occasion when he failed to appear, a Non-Bailable Warrant was issued against him and he was secured before the next hearing. Considering that bail had already been granted to the petitioner and NBW was issued and immediately executed and considering the period of incarceration, 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 his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur,** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety lhip [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the Trial Court

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everyday at 10.30 a.m., for a period of 30 days and thereafter on all the hearing dates without fail;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];***

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

20-11-2026

DRL

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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur.

2. The Inspector of Police
Gummidipoondi Police Station,
Thiruvallur District.

3.The Superintendent, Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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