

(2024) 02 MAD CK 0030

Madras High Court

Case No: Criminal Original Petition No. 2736 Of 2024

Panneer

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Feb. 9, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 229A, 366(A), 376, 448, 506(ii)
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(l), 6

Hon'ble Judges: C.V.Karthikeyan, J

Bench: Single Bench

Advocate: G. Magesh Kumar, L.Baskaran

Judgement

C.V.Karthikeyan, J

1. The petitioner in Spl.S.C.No.105 of 2020, now pending before the Special Court of Exclusive Trial of cases under POCSO Act, Tiruvannmalai, seeks bail for the offences registered by the respondent police under Sections 448,366(A),376, 506(ii) of I.P.C r/w Section 5(l),6 of POCSO Act. Crime No.29 of 2010.

2.It is stated that a Non-bailable Warrant had been issued against the petitioner herein on 03.01.2023 and he was secured on 09.11.2023.

3.This bail application is totally unnecessary. But, brought about by the petitioner's act of absconding from judicial process on 03.01.2023. The petitioner was remanded on 09.11.2023. It is stated that the matter is now posted for evidence of the investigating officer. The evidence of the victim girl has also been recorded. If the petitioner files any application to recall either the victim girl or the defacto complainant then the further process may be stopped by the concerned Sessions Judge and a report may be forwarded to this Court and directions may be issued to cancel the bail application.

4.Taking all factors into consideration and on the strength of the fact that examination of the victim girl had been completed, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two fresh sureties, each for a like sum to the satisfaction of the learned Special Court of Exclusive Trial of cases under POCSO Act, Tiruvannamalai and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the learned Special Court of Exclusive Trial of cases under POCSO Act, Tiruvannmalai where Spl.S.C.No.105 of 2020 is pending everyday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.