

In the Court of Sessions Judge, Special Court for trial of cases under
POCSO Act, Madurai.

Present: Tmt. J. Flora, M.L.,
Sessions Judge, Special Court for trial of cases under
POCSO Act, Madurai.

Dated this the 12th day of May 2020.

e. Criminal Miscellaneous Petition No. /2020

Spl.S.C.110/18
Vinoth @Periasamy
S/o. Nandha Kumar,
Pattanam,
Melur,
Madurai District,

-- Petitioner /Accused

/vs/

State through the Inspector
of Police, Perungudi Police station,
Madurai District
in Crime No.114/2018

-- Respondent/ Complainant.

ORDER

This petitioner who is arrayed as accused voluntarily surrendered before this court to recall the NBW issued against him on 9/11/2018 and the same petition to recall was dismissed by this court and the petitioner/accused was remanded to judicial custody on 28/2/2020 for alleged offences punishable u/s 3,4 of POCSO Act and 3(i)(w)(ii) of SC/ST(POA) Amendment Act 2015. Thereafter the counsel for the petitioner/accused had filed petition u/s 439 Cr.P.C seeking bail on 28.4.2020 and same was dismissed on 4.5.2020 .At present this 2nd bail petition has been filed u/s 439 Cr.P.C seeking bail.

Heard the both sides through Audio Conference call.

The case of prosecution is that the petitioner/accused had committed penetrative sexual assault on the victim girl aged about 14 years at the time of occurrence who belonged to Scheduled Caste and thereafter on coming to know about her caste had abandoned her and thus the case was registered.

The learned counsel for the petitioner/accused contended that as the petitioner/accused was employed in Kerala as daily wages labourer he was unable to appear before this Court on 27.9.2019 and that at the he voluntarily surrendered

before this court on 28.2.2020 and filed petition to recall warrant and same was dismissed by this Court, he was remanded and that at the time of occurrence the petitioner/accused was aged 18 years and that the petitioner/accused and the victim had a love affair and that the petitioner/accused is behind the bar for the past 74 days and that and at present there is no possibility for commencement of trial atleast for a period of 1 month and therefore seeks bail.

Whereas the the learned Public Prosecutor contended that the petitioner/accused had committed penetrative sexual assault on the victim girl and as he remained absent, NBW was issued by this court and the same was pending for more than 2 years without any progress and there are 6 other cases pending against the petitioner/accused in 1. Crime no.34/18 of Melur P.S. u/s. 379 IPC, 2. Crime no. 337/17 of Kottampatti P.S. u/s/ 379 IPC 3. Crime no. 719/18 of Melur P.S. u/s 379 IPC 4.Crime no. 722/18 of Melur P.S. u/s 379 IPC, 6. Crime no.769/18 of Melur P.S. u/s 392 IPC, and strongly objected to release the accused on bail. It is further contended by the learned counsel that in crime No.745/18 on the file of Pasupathi Palaiyam PS the petitioner is not the prime accused and the other cases which has been referred are just in FIR stage and yet to be charge sheeted.

Perused the case records. The respondent police had registered the case against the petitioner/accused for the offences u/s 3,4 of POCSO Act and 3(i)(w)(ii) of SC/ST(POA) Amenment Act 2015 pursuant to the registration of FIR . On 4.10.2018 the case was taken on file the accused was produced and he was remanded to Judicial custody, thereafter he was granted bail. On 9.11.2018 as he did not appear before before the court NBW was issued against him. On 9.4.2019 the accused was produced on Prisoner Transit warrant and he was released from custody,. However NBW was pending against him in this case. On 30.10.2019 the petitioner/accused surrendered before this court and filed petition to recall warrant. Whiles he absconded from the court hall on that day and so NBW was pending against him. Again on 28.2.2020 the petitioner/accused voluntarily surrendered before this court alongwith petition to recall the warrant and same was dismissed by this court and he was remanded to Judicial custody. In any event it is seen that the petitioner/accused has been languishing in the prison right from 28.2.2020 and on considering the urgent need

necesserily to ensure social distancing and there by reducing the scope of infection, I'm inclined to grant interim bail to the petitioner till 2.6.2020 on the following conditions,

i) the petitioner shall execute a personal bond of RS 10000 before Superintendent of Prison, Madurai

ii) the Superintendent of Prison, Madurai is directed to send the bail bond to this court after executing the bail bond

iii) the petitioner shall surrender before this court on 3/6/2020, without fail and execute a fresh bond with two sureties

Sessions Judge,
Special Court for trial of cases under
POCSO Act, Madurai.

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