

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 8<sup>th</sup> day of May 2020.

e. Criminal Miscellaneous Petition No.17/2020  
SPL.SC.64/2017

Ajith @ Ajithkumar ,  
S/o.Singathevar

-- Petitioner /Accused

/vs/

State through the Inspector  
of Police, Sellur Police station,  
in Crime No.1358/2017

-- Respondent/ Complainant.

### ORDER

This petitioner who is arrayed as Accused was arrested and remanded to judicial custody on 21.1.2020 for alleged offences punishable u/s 294(b), 506(ii) IPC and section 5(l), 5(k) 7and 8 of Protection of Children from Sexual offences Act 2012 in Crime.No.1358/2017 on the file of respondent police which was taken on file as Spl.S.C.No.64/2017.

Heard both sides through Conference call

The case of the prosecution is that the minor victim boy, a mental challenged person being the grandson of the defacto complainant was playing on 26.06.2017 at 8.30 pm. and at that time the petitioner/accused took him to a dark place behind the house removed his clothes and threatened him to suck his penis and that the defacto complainant on hearing his sound, came there to rescue him, but the petitioner/ accused also threatened his life to danger and thus the case was registered.

The learned for this petitioner submitted that charge sheet has been filed and the petitioner was absent for the hearing date on 21.10.2019 and therefore Non Bailable Warrant was issued to him and the same was executed and the petitioner was arrested and remanded on 20.01.2020 and that the Prisoner Transit Warrant was not issued by the respondent police, the petitioner/accused even after his release on bail in connection with crime no.1358/2019 of Thallakulam PS was not able to attend the hearing and this is the fourth bail application and that this court has already granted bail to the petitioner on 18.03.2020 with condition that the petitioner should execute a bond for Rs.10,000/- along with two sureties and due to COVID-19 lockdown the petitioner/accused was not able to produced sureties and at present prays to give interim exemption from furnishing sureties for getting bail bond and release the petitioner on own bond with condition that after the withdrawal of COVID-19 lockdown, the petitioner would surrender the sureties before the court.

Objection filed by the prosecution stating that the accused had committed sexual assault on the victim repeatedly by taking advantage of the child's mental disability with sexual intention and the petitioner/accused is involved in the following cases such as

1. Cr.no 133/2017, Avaniapuram P.S u/s 379 I.P.C.
2. Cr.no 55/2017, Keerathurai P.S  
U/S 379 I.P.C.

3. Cr.no 1118/2019, Sellur P.S u/s 151 Cr.P.C.
4. Cr.no 340/2019, Sellur P.S u/s 294(b), 323, 324, 341,506(1) of I.P.C.
5. Cr.no 1813/ 2018, Sellur P.S u/s 392, 387,506(2) of I.P.C.
6. Cr.no 916/2018, Sellur P.S u/s 75 of TNCP Act.
7. Cr.no 164/2017, Sellur P.S u/s 379 of I.P.C.
8. Cr.no 111/2017, Sellur P.S u/s 110(e), 151 Cr.P.C.
9. Cr.no 1732/2015, Sellur P.S u/s 75 of TNCP Act.
10. Cr.no 1188/2013, Sellur P.S u/s 75 of TNCP Act.

and contended that the petitioner is a habitual offender and strongly objected to enlarge on bail.

At this juncture the learned counsel for the petitioner in his reply contended that the petitioner had four cases only and all the other cases have been disposed off and as the petitioner was already enlarged on bail by this court with direction to furnish sureties, he seeks interim extension from furnishing sureties for getting bail.

A perusal of the case records shows that the petitioner/accused was absent on 13.11.2018 and so Non-Bailable Warrant was issued against him and on 25.01.2019 as the petitioner/accused had surrendered before this court, Non-Bailable Warrant was recalled. On 3.04.2019 as the accused was taken in custody relating to crime.no. 340/2019, Prisoner Transit Warrant was issued to the accused. Thereafter though he was released on bail as he did not appear for the hearing on 29.05.2019. Non-Bailable Warrant was issued against the accused and the same has been pending. Later it was only on 20.01.2020 the accused was produced on Non-Bailable Warrant and he was remanded to Judicial Custody . It is also seen that this court has granted bail to the petitioner on 18.3.2020 with a direction to furnish two sureties for the likesum to the satisfaction of this court . At this stage, the learned counsel for the petitioner contended that due to COVID-19 lockdown, he is unable to produce sureties and therefore prays to grant interim exemption from furnishing securities for getting bail bond and release the petitioner on bail with condition that after the withdrawal of COVID-19 lockdown , the petitioner /accused would surrender sureties before this court.

It is pertinent to note that the petitioner/accused has been languishing in the prison right from 20.1.2020 and on considering the urgent need and necessity to ensure social distancing and thereby reduce the scope of infection , I am inclined to grant interim bail to the petitioner till 28.5.2020 on the following conditions.

- (I) The petitioner shall execute a own bond of Rs.10,000/- before the Superintendent, of Central Prison, Madurai.
- (ii) The Superintendent of Central Prison, Madurai is directed to send bail bond to this court after executing the bail bond.
- (iii) The petitioner shall remain in his house for the next 20 days from the date of his release and surrender before the court on 29.05.2020 without fail and
- (iv) the petitioner is directed to execute fresh bond with two sureties for the likesum to the satisfaction of this court.

In the result, the petition is allowed

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

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Sheristadar.



