

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 7170 of 2020

R.Manikandan

... Petitioner/Accused

Vs.

The State represented by,  
The Inspector of Police,  
W-20 All Women Police Station,  
Saidapet, Chennai - 600 015.  
(Crime No. 4 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 4 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.02.2020 for the offences punishable under Sections 9(1) r/w Section 10 of POCSO Act and 506(ii) of IPC, in Crime No. 4 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that her daughter had joined in a dance studio during the year 2018 and the petitioner has been deputed in order to teach the dance to the victim girl and whileso, the petitioner has committed repeated penetrative sexual assault on her daughter, compelled her daughter to marry him and when the same was refused by the victim girl, the petitioner had threatened the victim girl and her family members. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is a I year MBA student and that the petitioner and the victim belong to the different community. He would submit that during dance classes, the victim had informed to the petitioner that she was a major and a late entrant to +1 class and over a period of time, she had expressed her desire to marry him and the same was refused by the petitioner, a false complaint has been given against the petitioner. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has committed repeated penetrative sexual assault on the daughter of the defacto complainant during the course of dance class, compelled the victim to marry him and when the same was refused by the victim girl, the petitioner had threatened the victim girl and her family members. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsels and also considering the fact that the petitioner is in judicial custody from 28.02.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m.,until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6.With the above directions, this Criminal Original Petition is ordered.

-sd/-  
30/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

- 1 THE SPECIAL COURT UNDER  
POCSO ACT, CHENNAI
- 2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAI, CHENNAI
- 4 THE INSPECTOR OF POLICE,  
W-20, ALL WOMEN POLICE STATION,  
SAIDAPET, CHENNAI-600 015.

CC to M/S. A.THIRUMARAN Advocate on payment of necessary charges Sr.7818

CRL OP.7170/2020

Date :30/11/2020

RVR 02/12/2020

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