



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11265 of 2020

MANIKANDAN

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Crime No. 453 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the Petitioner on bail in Crime No.453 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.W.CAMYLES GANDHI

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to the judicial custody on **11.06.2020** for the alleged offences punishable under sections **366 of IPC, Sec.5(1) r/w.6 of POCSO Act 2012** in Crime No. **453** of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Shanmugam is that his daughter who was studying 10th standard, was found missing on 01.06.2020. On the complainant given by the defacto complainant a case was registered for "Girl Missing" and during investigation it came to light that the petitioner/accused had kidnapped the victim girl and had sexual intercourse with her and thereby the case was altered to **366 of IPC, Sec.5(1) r/w.6 of POCSO Act 2012**.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner and defacto



complainant's daughter were in love with each other. When it came to the knowledge of the defacto complainant's family, they arranged marriage of the victim girl with some other person. Therefore, the victim girl had voluntarily left her home and joined to the petitioner in order to marry him. He would further submit that the petitioner is in custody from 11.06.2020 and hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the victim is aged about 17 years and the petitioner is aged about 20 years. The petitioner had kidnapped the victim girl and had sexual intercourse on her. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstances and considering the submissions made by the learned counsels, 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 his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned **Sessions, Magalir Neethimandram, (Fast Track Mahila Court) Erode, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the 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.

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

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

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

(h)On breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take



appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/08/2020

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 SESSIONS, MAGALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, ERODE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUNGALPALAYAM POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.No. 5833

CRL OP.11265/2020

Date :03/08/2020

MN-TA-05/08/2020