

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12089 of 2020

Manikandan

.... Petitioner

-Vs-

The State represented by
Inspector of Police,
W-22, All Women police station,
Mylapore, Chennai District.
(Cr. No.6 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.6 of 2020 on the file of the respondent police.

For Petitioner : Mr.I.Periaswamy

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 on 08.06.2020, for the offences punishable under Section 10 of POCSO Act, 2012 and 506 (i) of IPC in Crime No.6 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl was working at the pet shop owned by the petitioner, when she was in the shop, the petitioner misbehaved with her and also touched her inappropriately and taken her video and thereafter, when the victim girl was at her home, the petitioner had gone to her house and informing that he was having video, attempted to misbehave with her once again by threatening her that he will upload the said video.

3. The learned counsel for the petitioner would submit that the petitioner and the *de facto* complainant are relatives. He would submit that the victim girl was employed in his shop and since she had relationship with some other persons, the petitioner warned her and thereby, a false complaint has been given as if the petitioner misbehaved with her. He would submit

that very recently, the victim has eloped with a boy in her area and her mother has given a complaint before D5 Marina Police station. He would submit that even as per records, the petitioner has not committed any penetrative sexual assault. He would submit that major part of the investigation is over and that the petitioner is in custody for more than 70 days.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the victim, who is a relative of the petitioner was employed in the pet shop owned by the petitioner. He would submit that the petitioner misbehaved with the victim and also taken videographs and threatened the victim girl that he will upload the videos and attempted to misbehave with her once again. He would submit that the investigation is pending and that very recently the mother of the victim has given a complaint before D5 Marina police station that her daughter was found missing and thereafter, the girl was secured.

5. I have gone through the FIR and the statement recorded under Section 164 Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, within 15 days from the date of lifting of the 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 every day at 10.30.am 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/08/2020

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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

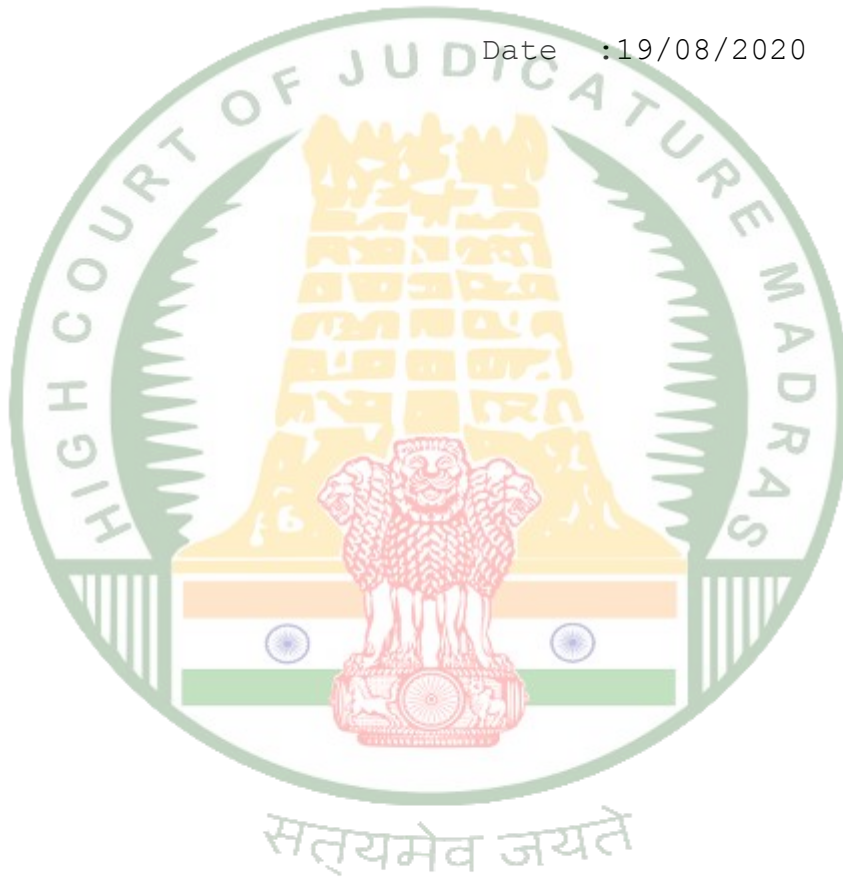
4 THE INSPECTOR OF POLICE,
W-22 ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI DISTRICT.

CC to MS.I.PERIASWAMY Advocate on payment of necessary
charges

CRL OP.12089/2020

Date :19/08/2020

MK:04/09/2020



WEB COPY