



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12734 of 2020

Manikandan

... Petitioner/Accused

Vs.

The State represented by,

... Respondent/Complainant

The Inspector of Police,

Thirukalukundram Police Station,

Chennai.

(Crime No. 253/2019)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 253 of 2019 pending investigation on the file of the respondent.

For Petitioner : Mr.T.R.Prabakaran

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 11.07.2020 for the offences punishable under Sections 366A of IPC and 4, 5 (i)(ii) r/w 6 of POCSO Act, 2012 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that on 15.07.2019, the petitioner has kidnapped her minor daughter aged about 17 years and had tied a mangalasuthra and had physical relationship and the girl is seven months pregnant now.

3 The learned Government Advocate appearing for the respondent would submit that the petitioner has kidnapped the minor daughter of the defacto complainant and that the offence has been committed on 15.07.2019 and on that day, the victim was a minor and that she has attained majority now. He would further submit that investigation reveals that the petitioner and the victim girl hails



from the same community. Since, the girl is pregnant by seven months, statement under Section 164 Cr.P.C has not been recorded so far.

4 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner and the victim girl belong to the same community and arrangements are being made for the marriage. He would submit that the girl's mother is ready to give an affidavit to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 11.07.2020, 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 executing 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) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever 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 daily 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 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.

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

-sd/-
20/08/2020

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,
CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
THIRUKALUKUNDRAM POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB JAIL, POONAMALLE, CHENNAI.

CC to M/S.T.R.PRABHAKARAN Advocate on payment of necessary charges

CRL OP.12734/2020

Date :20/08/2020

TA-16/09/2020