



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13048 of 2020

Veeramanikandan

... Petitioner/Single Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Ranipet, Vellore District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 3 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 04.08.2020 for the offences punishable under Sections 5(I) & 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No. 3 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Ananthi is that when she was studying tenth standard, her father fell ill and she had discontinued to her studies. The accused viz., Veeramanikandan is a carpenter, had come to her house to do carpenter work and that he had told that he was in love with her. While so on representing that he was not married the accused had taken her to his sister's house and they were staying in his sisters house from 23.11.2019 as husband and wife. On the promise to marry her the petitioner had sexual intercourse with her and thereafter only she came to know that the petitioner was earlier married to one Nandhini and that he had cheated her.

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 carpenter by profession and when he had gone to the house of the defacto complainant to do some work, they fell in love and the victim eloped with him. He would submit that the petitioner was earlier married however the first wife had left him and had taken all the



articles from the house and her whereabouts were also not known to him. The petitioner being a uneducated person without understanding the consequences, with the intention of marrying the defacto complainant had taken her to his sister's house and started living with her. He would submit that the petitioner is also now taking steps to get the earlier marriage legally dissolved and he has also taking steps to marry the victim girl and the victim girl has also attained majority as on date. He would submit that the victim girl is living in the house of 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 induced the victim when she was a minor and committed sexual assault on her representing that he is an unmarried man, later it came to light that the petitioner is a married man and his wife has also left him. He would on instructions submit that as on date, the victim is in the house of the petitioner and that the victim has attained majority now. He would further submit that the medical examination of the victim as well as the petitioner is over and the statement under Section 164 Cr.P.C has been recorded.

5 Taking into consideration the facts and submissions made by the learned counsels and considering the fact that the petitioner is in jail from 04.08.2020, 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;

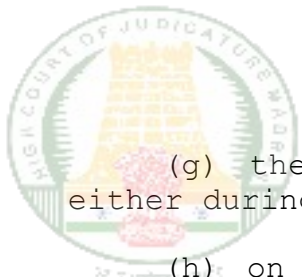
(b) the petitioner shall within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or whichever ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned District Munsif cum Judicial Magistrate No.I, Walajapet, 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, on 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/-

01/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE NO.I,
WALAJAPET

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RANIPET, VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.13048/2020

Date :01/09/2020

RVR 10/09/2020