

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.O.P.No.6614 of 2021

Manikandan Prabu

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Arani Taluk Police Station,
Arani,
Thiruvannamalai District.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner on bail in in Crime No.120 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.M.Prabhavathi

Additional Public Prosecutor

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ORDER

(The case has been heard through video conferencing)

The petitioner who was arrested on 19.02.2021 for the offence under Section Girl missing @ 366(A), 376 I.P.C. And Section 3(a) and 4 of POCSO Act 2021 in Cr.No.120 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner has kidnapped the minor girl viz., Jagadeeswari, who is aged about 17 years and had physical relationship with her. Thereby, the law enforcing agency registered a case against the petitioner/accused.

3.The learned counsel appearing for the petitioner submits that the petitioner and the said Jagadeeswari are in love with each other. The girl is aged about 17 years. After she attained majority, they will get married. Hence, the learned counsel prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor fairly conceded that the petitioner and the victim girl are having love affair and she further submitted

that the victim girl is only aged about 17 years and the petitioner had physical intercourse with her. Hence, she opposed for the grant of bail to the petitioner.

5.Considering the facts that there exists a love affair between the petitioner and the victim girl, which is not in dispute, though there had been physical intercourse with the victim girl and further considering the period of incarceration of the petitioner from 19.02.2021, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police, as and when required;

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

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

(e)on breach of any of the aforesaid conditions, the learned 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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M.DHANDAPANI, J.

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