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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21429 of 2021

Manikandan

... Petitioner/Sole Accused

Vs.

State represented by
The Station House Officer,
All Women Police Station,
Tindivanam,
Villupuram District.
Crime No.16/2021

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the above Crime No.16 of 2021, on the file of Station House Officer, All Women Police Station, Tindivanam Villupuram.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.09.2021 for the offences under **Sections 366, 342 of IPC and 5(1), 6 of POCSO Act 2012**, in Crime No.16 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the defacto complainant is the mother of the victim girl who is aged about 12 years. The allegation is that the petitioner sexually assaulted the minor daughter of the defacto complainant. Hence, this Complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and the petitioner is nothing to do with the alleged offence. He would further submit that the victim girl had fallen love with the petitioner and the minor girl is in the custody of the defacto complainant. The petitioner is in the judicial custody for the past 70 days. Hence, seeks bail.



4. The learned Government Advocate (Crl.Side) states that, due to love affair, the accused has committed the said offence. Investigation is pending. The victim girl was recovered. There is no previous case. Based on the complaint given by her mother of the minor girl, F.I.R was registered against the petitioner and 164 of Cr.P.C statement was recorded by the police.

5. Considering the fact that, the investigation was completed and victim girl was recovered as well as the petitioner was under the judicial custody for more than 70 days, this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the **Sessions Judge, Special Court for exclusive Trial of cases under POCSO Act, Villupuram**, and on further conditions 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 on every Friday at 10.30 a.m., and thereafter, as and when required for interrogation; and the petitioner should not have any communication with the victim girl till the disposal of the case.

(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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-sd/-
16/11/2021

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,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
TINDIVANAM,
VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

+1 CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary
charges SR.NO.12876

CRL OP.21429/2021

Date :16/11/2021

TA-17/11/2021