



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.25453 of 2021

Manikandan

...Petitioner

Vs.

State rep by The Inspector of Police
Thammampati Police Station,
Gangavalli Taluk, Salem District.
(Crime No.215 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.215 of 2021, on the file of the respondent police.

For Petitioner : Mr.A.Rajakumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.10.2021 for the offences under Sections 9 of Prohibition of Child Marriage Act 2006 and Section 5(i) 6, 17 of POCSO Act 2012, in Crime No.215 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.09.2021 the defacto complainant lodged a complaint before the respondent police stated that the daughter of the defacto complainant/victim girl was missing. Later, the respondent police came to know that the petitioner kidnapped the victim girl and got married and committed repeated penetrative sexual assault upon the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner submits that he is falsely implicated in this case and he further submits that there is love affair between the petitioner and victim girl and now the petitioner is ready to marry the victim girl. He would further



submits that the petitioner has been suffering incarceration for more than 70 days from 05.10.2021. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent stating that statement under Section 164 of Cr.P.C is recorded and the investigation is completed and he further submits that minor victim was secured and she was under the custody of her parents.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, 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 learned Judicial Magistrate No.II, Attur, Salem, 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 Monday and Friday at 10.30 a.m, until further orders ;

(c) the petitioner shall appear before trial Court proceedings regularly without fail;

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

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

(f) 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;



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

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-sd/-

23/12/2021

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 JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAMMAMPATTI POLICE STATION,
GANGAVALLI TALUK, SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to MR.A.RAJAKUMAR Advocate on payment of necessary charges
SR.NO.15541

CRL OP.25453/2021

Date :23/12/2021

CSK 23/12/2021