



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 30/06/2021

PRESENT

WEB COPY

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

**CRL OP (MD) .No.8510 of 2021**

Manikandan

... Petitioner/Accused

Vs

State rep by  
The Inspector of Police,  
Mukkudal Police Station,  
Tirunelveli District.  
(Crime No.141/2021).

... Respondent/Complainant

For Petitioner : Mr.A.P.Muthupandian,  
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No. 141 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.04.2021 for the offences punishable under Sections 366(A) of I.P.C and Section 5(1), 6 of POCSO Act, in Crime No.141 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and victim had love affair. On giving false promise, the petitioner had sexual intercourse with the victim and thereafter, refused to marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was a love affair between the petitioner and the victim. Now, the victim girl has attained majority and the petitioner is willing to marry her. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he was in judicial custody for the past 89 days. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that so far 8 witnesses were recorded and the investigation is pending. hence, he opposes to grant bail to the petitioner.



5.Considering the facts and circumstances of the case and the fact that so far 8 witnesses were recorded and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

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6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act, Tirunelveli.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii)the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner is directed to deposit a sum of Rs.**3,000/- (Rupees three Thousand only)** to the credit of **Save Poor Lives Registered Public Charitable Trust in SBI** (Account No.20000913487, Raja Annamalaipuram Branch, IFSC Code: SBIN0001855), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iv)the petitioner shall not tamper with evidence or witness.

v)the petitioner shall not abscond during trial.

vi)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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/06/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SESSIONS JUDGE,  
SPECIAL COURT FOR POCSO ACT, TIRUNELVELI.
- 2.THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.
- 3.THE INSPECTOR OF POLICE,  
MUKKUDAL POLICE STATION,  
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
SAVE POOR LIVES REGISTERED PUBLIC CHARITABLE TRUST,  
(ADMIN DIVISION)  
FLAT No.A1, CEEBROS GRADEN,  
GROUND FLOOR,  
OLD No.76, KAMARAJAR SALAI,  
RAJA ANNAMALAIPURAM, CHENNAI-600 028.

+1. CC to MR.A.P.MUTHUPANDIAN, Advocate SR.No.4260

ORDER  
IN  
CRL OP(MD) No.8510 of 2021  
Date :30/06/2021

MSA  
AE/PN/SAR-II/30.06.2021/3P/7C