



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.610 of 2022

Manikandan

...Petitioner

Vs.

State rep. by its
The Inspector of Police
Singarapettai Police Station
Krishnagiri District
(Crime No.461 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.461 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Kumaradevan

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

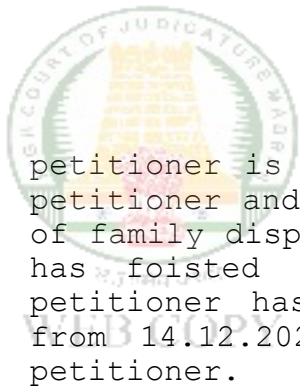
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.12.2021 for the offences under Sections 294(b), 366, 376 and 506(ii) of IPC, in Crime No.461 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.09.2021, the petitioner kidnapped the defacto complainant and detained her in his aunt's house which is situated in Kancheepuram and subsequently, committed rape on her and also threatened her stating that if she discloses the same to anybody, he would upload her photos in the social media. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The



petitioner is the close relative to the victim's family and that the petitioner and the victim were in love with each other. While so, out of family dispute with regard to property, the parents of the victim has foisted a false case against the petitioner and that the petitioner has been suffering incarceration for more than 40 days from 14.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for respondent would raise strong objection but admits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Uthangarai, within 15 days from the date of commencement of the Court's normal functioning, 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 on every Monday, Wednesday and Saturday at 10.30 a.m. until further orders. The petitioner shall not have any communication with the victim girl and his family members till disposal of the case and he shall surrender his cell phone along with sim card to the concerned trial Court Magistrate.

(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.

-sd/-

24/01/2022

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,
UTHANGARAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.KUMARDEVAN
charges SR.No.1047

Advocate on payment of necessary

CRL OP.610/2022

Date :24/01/2022

CSK 25/01/2022