



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.02.2022

CORAM:

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

Cr1.O.P.No.2237 of 2022

Manikantan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Ranipet District.
(Crime No.23 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.23 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Nagarajan
For M.Karthikeyan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 22.10.2021 for the offences under Sections 5L, 5(j)(II) and 6 of POCSO Act, 2012, in Crime No.23 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that the petitioner sexually harassed the victim girl and she got pregnant.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner is willing to marry the victim girl after she attaining majority. He further submits that the petitioner was suffering incarceration for more than 90 days from 22.10.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) would raise objection stating that the petitioner had sexually harassed the defacto complainant's daughter and she is under the family way and the statement of the victim girl under Section 164 of Cr.P.C has been recorded and the investigation was almost completed and the charge sheet and the same was also taken on file in Spl.S.C.No. 178 of 2021 before the Special Judge for Exclusive Trial of Cases under POCSO Act-2012, Vellore, Vellore District.

5. Considering the facts and circumstances of the case and the investigation was almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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 each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Special Court exclusive trial of Cases under POCSO Act, Vellore, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner is directed to deposit a sum of Rs. 50,000/- to the credit of crime No.23 of 2021 for interim medical expenses of the victim and on such deposit, the defacto complainant who is the father of the victim girl is permitted to withdraw the above said amount with proper identification;

[e] the petitioner shall file an affidavit before the concerned Court to undertake the victim girl and the child;

[f] the petitioner shall appear before the respondent police on every Monday at 10.30 a.m for a period of three months until further orders;

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[h] the petitioner shall not abscond either during investigation or trial;



[i]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;

[j]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/02/2022

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 SPECIAL COURT EXCLUSEIVE
TRIAL OF CASES UNDER POCSO ACT,
VELLORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANIPET ALL WOMEN POLICE STATION,
RANIPET, RANIPET DISTRICT.

CC to M/S M.KARTHIKEYAN Advocate on payment of necessary charges Sr.1701

CRL OP.2237/2022

Date :02/02/2022

RVR 03/02/2022