



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.4583 of 2022

1.Manikandan
2.Kalpana

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thandarampet Police Station,
Tiruvannamalai.
(Crime No.5/2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in connection with Crime No.5 of 2022 on the file of the respondent police.

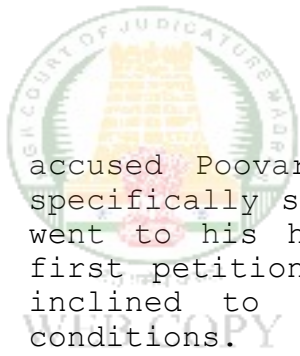
For Petitioners : Mr.M.R.Franklin

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners/A2 and A4, who were arrested and remanded to judicial custody on 07.01.2022 for the offences punishable under Sections 366 (A) IPC @ 4, 5(1) and 6 of POCSO Act in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2. The petitioners before this Court are the friend and aunty of the prime accused Poovarasan, who is alleged to have kidnapped the minor girl with the help of his friends and committed sexual offence on the victim girl. The second petitioner is shown as the fourth accused for the alleged harboring the accused and the victim girl. The petitioners herein seek bail on the ground that they are no way connected with the crime and they have been falsely implicated in the alleged offence. 164 statement recorded by the learned Magistrate on 22.01.2022. From the statement, it appears that the victim girl, who has completed 17 years old, had voluntarily gone with the first



accused Poovarasan and stayed at the petitioners house. He had specifically stated that her uncle did not entertain them, when they went to his house. 164 statement does not implicate neither the first petitioner nor the second petitioner. Hence, this Court is inclined to grant bail to the petitioners subject to certain conditions.

3. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thandarampet.

(b) 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;

(c) the petitioners are directed to appear before the Investigating Officer as and when required.

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

(e) 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];

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

-sd/-
01/03/2022

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,
THANDARAMPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THANDARAMPET POLICE STATION,
TIRUVANNAMALAI.

4 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

5 THE SUPERINTENDENT,
LADIES JAIL, VELLORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.R.FRANKLIN Advocate on payment of necessary
charges

CRL OP.4583/2022

Date :01/03/2022

JPA 01/03/2022