



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

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

CrI.O.P.No.5187 of 2022

Manikandan

.. Petitioner

Vs.

State rep by
Inspector of Police,
W-8, All Women Police Station,
Thirumangalam, Chennai District.
(Crime No.1052 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in connection with the Crime No.1052 of 2021 on the file of the Inspector of Police, All Women Police Station, W-8, Thirumangalam, Chennai District.

For Petitioner : Mr.G.Mohammed Aseef

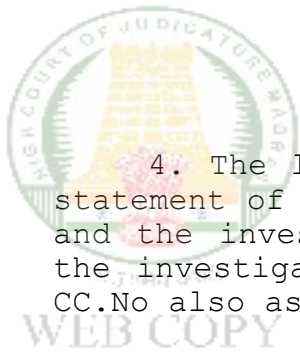
For Respondent : Mr.L.Baskaran
Government Advocate (CrI.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.09.2021 for the offence under Section 366A and Section 5(1) r/w 6 of Protection of Children Sexual Offence Act 2012 in Crime No.1052 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner harassed and committed penetrative sexual harassment on the daughter of the defacto complainant who is aged about 17 years on many occasions. Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he has been suffering incarceration for more than 187 days from 12.09.2021. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C and the investigation was almost completed. He further submits that the investigation was completed, charge sheet was filed and Special CC.No also assigned as Spl.CC.No.63 of 2022.

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.

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 Special POCSO Court, Chennai and on further condition 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 daily on every Wednesday and Sunday at 10.30 a.m., until further orders ;

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

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

(e) 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;

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

-sd/-

18/03/2022

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 SPECIAL POCSO COURT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-8, ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S G.MOHAMMED ASEEF Advocate on payment of necessary
charges SR.No.4176

CRL OP.5187/2022

Date :18/03/2022

CSK 21/03/2022