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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9017 of 2022

Sabari @ K.Manikandan

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Kottur Police Station,
Pollachi, Coimbatore District
(Crime No.73 of 2022)

.. 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.73 of 2022 on the file of the Respondent Police seeks bail.

For Petitioner : Mr.K.Panjamurthy

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor
[CRL.O.P.NO.9017/2022]

MR.L.BASKARAN,
Govt. Advocate (CrI. Side)
[CRL.M.P.NO.6417/2022]

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 13.02.2022 for the offences punishable under Sections 366 of IPC read with Section 5(1), 6 of POCSO Act 2012 in Crime No.73 of 2022, on the file of the respondent police, seeks bail.

2. The defacto complainant is the mother of the minor girl, who was 16 years 19 months at the time of occurrence. It appears that, it was a love affair in between petitioner and the victim girl which leads to elopement of the victim girl. It is also alleged that the petitioner had sexual intercourse with the victim girl.



3. Initially, the complaint was registered under "girl missing" later altered to sections 366 of IPC read with Section 5(1), 6 of POCSO Act 2012.

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4. The learned Additional Public Prosecutor submits that, till date, the statement of the victim girl under section 164 of Cr.P.C was not recorded and the medical examination of the victim girl was also not been completed.

5. Taking note of the fact that the complaint was registered on 13.02.2022 and the petitioner was arrested soon thereafter, but till date, there is no progress in the investigation and also considering that the petitioner being 19 years old adolescent offender, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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 Exclusive Trial of Cases under POCSO Act, Coimbatore.**

(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 petitioner shall report before the Investigating Officer daily at 10.30 a.m., until further orders.

(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/-

28/04/2022

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.

(*)AMENDED AS PER ORDER OF THE COURT DATED 12/05/2022 MADE IN CRL.MP.No.6417 OF 2022 IN CRL.O.P.NO.9017 OF 2022 BY THE HON`BLE MR JUSTICE A.A.NAKKIRAN

TO

**(*)1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSVIE TRIAL
OF CASES UNDER POCSO ACT,
COIMBATORE**

2 THE JUDICIAL MAGISTRATE,
COIMBATORE

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE(FOR INFORMATION)

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
POLLACHI COIMBATORE DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 CC to M/S.K.PANJAMURTHY Advocate on payment of necessary charges Sr.7051

CRL OP.9017/2022

Date :28/04/2022

RVR 28/04/2022

JPA 12/05/2022