



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11041 of 2022

MANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR DISTRICT
CR.NO.425 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.SASIKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

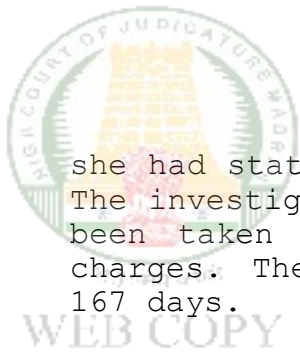
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.12.2021 for alleged offence under Section 366 IPC and Section 5(1) r/w 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.425 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl and forcibly married her and had physical intercourse with her.

3. Heard Mr.S.Sasikumar, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for the respondent.

4. In the present case, it is clear from the statement given by the victim girl under Section 164 Cr.P.C. that she had love affair with the petitioner and the same resulted in both of them eloping and



she had stated that the petitioner forcibly had intercourse with her. The investigation has been completed and the final report has already been taken on file and the case is now at the stage of framing charges. The petitioner has also suffered incarceration for nearly 167 days.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail by imposing stringent 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 Sessions Judge, Mahila Court (FAC), Tiruppur, Tiruppur District, and on further conditions 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 Sessions Judge, Mahila Court (FAC), Tiruppur, Tiruppur District on every Monday at 10.30 a.m., for a period of eight weeks.

[c] the petitioner shall attend every hearing date fixed by the trial Court and co-operate for the early disposal of the case.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
19/05/2022

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 SESSIONS JUDGE
MAHILA COURT (FAC)
TIRUPUR
TIRUPPUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
TIRUPPUR DISTRICT

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges SR.No. 7355

CRL OP.11041/2022

Date :19/05/2022

SP(19/05/2022)