



Crl.O.P.No.21882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21882 of 2022

Prasath Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Sathiyamangalam.
Crime No.9 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.9 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.08.2022 for the offences punishable under Section 366 of IPC and Section 5(1) r/w 6 of POCSO Act, 2012 in Crime No.9 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor victim girl from the lawful guardianship of her parents and had taken her to a lodge in Bhavani Sagar in motor cycle and committed aggravated penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner. He would also submit that the petitioner and the victim girl were having relationship and coming to know about that, the father of the victim girl had assaulted and abused her, resulting in her attempting to commit suicide by consuming kerosene. He would also submit that only in order to wreck vengeance, a false complaint has been given as against the



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petitioner as if the petitioner had committed aggravated penetrative sexual assault on the victim girl. He would further submit that the petitioner understands that the respondent police has recorded the statement from the victim girl under Section 164 of Cr.P.C., wherein she had stated that she had on her own volition gone with the petitioner and coming to know about the same, the victim's father had assaulted her resulting in her consuming kerosene. He would also submit that the petitioner without understanding the rigours and consequences of POCSO Act, had taken the victim girl from her lawful guardianship. He would further state that the major part of the investigation is over and the petitioner is ready to abide by any stringent conditions that may be imposed on him. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had taken the minor girl to a lodge and had committed aggravated penetrative sexual assault on her. He would further submit that the statement has been recorded from the victim girl under Section 164 of Cr.P.C., and the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the CD file including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 District Mahila Court, Erode** 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 stay at Tiruppur and report before the Inspector of Police, Town Police



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Station, Tiruppur daily at 10.30 a.m., and 05.30 p.m., until further orders and it is made clear that the petitioner shall not enter into the jurisdiction limits of the respondent police;

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

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA., J.

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To

1. The District Mahila Court, Erode.
2. The Inspector of Police,
All Women Police Station,
Sathiyamangalam.
3. The Superintendent,
District Jail,
Gobichettypalayam.
4. The Public Prosecutor,
High Court of Madras.

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