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Crl.O.P.No.24946 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No.24946 of 2022

Manikandan

... Petitioner/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
AWPS North Police Station,
Tiruppur District.
(Crime No.712/2022).

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
praying to enlarge the petitioner on bail in Crime No.712 of 2022 pending on
the file of the Inspector of Police, AWPS North Police Station, Tiruppur
District pending investigation.

For Petitioner : Mr.R.Lokeshwaran

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 09.07.2022 for the offences punishable under Sections 5(1) read with Section 6 of POCSO ACT and Section 8 of the Child Marriage Act in Crime No.712 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 daughter of the defacto complainant from her lawful guardianship and had taken her to various place and thereby performed child marriage with the victim and thereafter committed penetrative sexual assault on her. Hence, the case.

3. Learned Counsel for the petitioner would submit that the petitioner is a young boy without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act, had befriended the victim through Instagram and had developed their relationship through mobile phone. The petitioner on the intimation of the victim girl had come to Tiruppur and thereafter eloped from Tiruppur to Tiruchandur and there the petitioner



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tied thali and gone to Pondicherry and there the petitioner is said to have committed penetrative sexual assault on the victim. He would further submit that the petitioner has now attained majority and major part of the investigation has been completed. He would further submit that the petitioner is prepared to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Learned Government Advocate (Crl. Side) would submit that the petitioner had kidnapped the minor daughter of the defacto complainant from her lawful guardianship and had taken her to various place and thereby performed child marriage with the victim and thereafter committed penetrative sexual assault on her. He further submit that investigation almost completed and the 164 statement has also been recorded from the victim girl. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case



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and the submissions made by the learned counsel and also considering the period of incarceration, 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 learned **Session Court, Mahalir Neethimandram (FTMC) Tirupur** 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 Inspector of Police, All Women Police Station, Attur, Salem District, everyday at 10.30 a.m. for a period of four weeks and thereafter on every Saturday at 10.30.a.m., until further orders.

[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



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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.
Sma

To

1. Session Court, Mahalir Neethimandram (FTMC),
Tirupur.
2. The Inspector of Police,
AWPS North Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
All Women Police Station,
Attur, Salem District.
5. The Public Prosecutor,
High Court of Madras.

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