



CrI.O.P.No.27634 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

CrI.O.P.No.27634 of 2022

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District
Crime No.229 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.229 of 2022 on the file
of the respondent police.

For Petitioner : Mr.R.Naresh Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Sections 451, 506(ii) of IPC, Section 7 & 8 of POCSO Act, 2012 in Crime No.229 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that she had gone out of her house, at that time, the accused in an inebriated condition had compelled her to lie down with him. When the same was questioned by the relatives of the defacto complainant, the accused had threatened them with fire wood stick. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would further submit that there was a quarrel between the petitioner and the defacto complainant, due to which, she had given a false complaint against the petitioner. He would submit that even as per the complaint, the petitioner had only attempted to misbehave with her other than that, there is no allegation against petitioner as if the petitioner had



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committed sexual assault on her. He would submit that the major part of the investigation has also been over. 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 in an inebriated condition, had compelled the defacto complainant to lie down with him. He would submit that the statement of the victim girl under Section 164 of Cr.P.C., has been recorded. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials 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.



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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 Judicial Magistrate, Tiruthuraipoondi** 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 Madurai and report before the Velakuthoon Police Station **daily at 10.30 am and 5.30 pm until further orders. The petitioner shall not enter into the jurisdictional 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;



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[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.

28.11.2022

shk

1. The Judicial Magistrate, Tiruthuraipoondi
2. The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District
3. Sub Jail,
Tiruthuraipoondi
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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