



Crl.O.P.No.28416 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

Crl.O.P.No.28416 of 2022

Manivasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri.

(Crime No.101/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.101 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.R.Elavarasan

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 06.10.2022 in connection with Crime No.101 of 2022 registered for Girl Missing and altered for the offences punishable under Sections 363, 366 IPC @ Sections 363, 366 IPC and Section 5(l) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012, in on the file of the respondent Police, seeks bail.

2. On the complaint given by de-facto complainant that her daughter aged about 15 years was found missing, a case in crime No.101 of 2022 has been registered by the respondent Police for "girl missing". During the course of investigation, it came to light that the accused had kidnapped the victim girl for the purpose of marrying her and committed penetrative sexual assault on her, thereby, the case has been altered to one under Sections 363, 366 IPC @ Sections 363, 366 IPC and Section 5(l) r/w 6(1) of Protection of Children from Sexual Offences Act, 2012. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, who is aged about 22 years, is an innocent person and a false complaint has been given as against him. He further submitted that the



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petitioner was having a love affair with the minor victim girl and when the family members of the victim girl coming to know about the same, they reprimanded the victim girl and thereby, the victim and the petitioner planned to marry and eloped from their home. He also submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had eloped with the minor victim girl. He also submitted that the petitioner understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she had stated that only on her own volition, she came with the accused. He further submitted that the petitioner is in custody from 06.10.2022, hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured and the statement has also been recorded from her under 164 Cr.P.C., wherein, she had admitted that there was a love affair between the petitioner and herself. He further submitted that the petitioner has also been arrested on 06.10.2022. However,



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he opposed to grant 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 statement recorded under 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl that the victim and the petitioner was loving each other and she, on her own volition has gone along with the petitioner, 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 respondent Police, everyday at 10.30 a.m. and 5.30p.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 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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To



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1. The Sessions Judge, Fast Track Mahila Court,
Dharmapuri.
2. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
3. The District Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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