



Crl.O.P.No.6083 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

Crl.O.P.No.6083 of 2023

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Ranipet,
Ranipet District.

(Crime No.03 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.03 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.02.2023, for the offences punishable under Section 506(i) of IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.03 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Susila, is that on 01.02.2023, an unknown person, who had come in a two wheeler bearing registration No.0258 had misbehaved with her minor daughter, aged about 13 years and pressed her breasts and private parts inappropriately. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the victim has not spoken about the identity of the person, whereas, she has given only a vehicle number and based on which, the respondent has wrongly arrested the petitioner on 04.02.2023 and he is in custody for more than a month. He also submitted though it is stated



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in the First Information Report that an unknown person has committed the said offence, the respondent has not conducted any identification parade. Therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that is a case where the petitioner has misbehaved and touched the private parts of the minor victim girl, inappropriately. He also stated that the minor victim girl had identified the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the statement recorded under 164 Cr.P.C from the minor victim girl.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the statement recorded under 164 Cr.P.C from the minor victim girl and also considering the period of incarceration, this Court is inclined to grant bail to the



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petitioner with certain conditions.

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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.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which one surety should be either father or mother of the petitioner), for a like sum to the satisfaction of the **learned Special Judge for Exclusive Trial of cases under POCSO Act, Vellore**, 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 appear before the **learned Special Judge of Exclusive Trial of cases under POCSO Act, Vellore, on all working days at 10.30a.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either



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

16.03.2023

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To

1. The Special Court for Exclusive Trial of cases under POCSO Act, Vellore.
2. The Inspector of Police,
All Women Police Station,
Ranipet,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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