



Crl.O.P.No.10957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10957 of 2023

K.Manikandan

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi.
(Crime No.1 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail Spl.S.C.No.12 of 2023 in Crime No.1
of 2023 pending trial before the Sessions Judge, Fast Track Mahila Court,
Tiruvallur.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr. E.Rajthilak
Additional Public Prosecutor



ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.01.2023, for the offences punishable under Sections 11(4), 12 of Protection of Children from Sexual Offences Act, 66-A, information Technology Act, in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had uploaded the photographs taken along with the victim child in social media. Hence, the case.

3. The learned counsel for the petitioner would submit that there was a love affair between the petitioner and the victim girl. He submitted that the petitioner had uploaded the pictures taken together and no obscene pictures were uploaded in social media and he had put the pictures in his Whatsapp profile, which was seen by the parents of the victim girl, due to which, a false complaint has been given against the petitioner. He further submitted that the petitioner is in judicial custody from 09.01.2023. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioner stating that the petitioner had uploaded the photographs taken along with the victim child in social media. He further submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girl.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the entire materials available on record including the statement recorded under Section 164 of Cr.P.C from the minor victim girl.

6. Considering the facts and circumstances of the case and that the petitioner is in custody for nearly 121 days and also considering the fact the victim girl has been examined and the respondent has filed the final report, this Court is inclined to grant bail to the petitioner on the following conditions;

[a] 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, for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Tiruvarur.**

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30a.m., until further orders;

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

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

[f] 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]***;

[g] 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, Tiruvarur.
2. The Inspector of Police,
All Women Police Station,
Thiruthuraipoondi.
3. The Central Prison, Tiruvarur.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

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