



Crl.O.P.No.11360 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

**THE HON'BLE MR.JUSTICE A.A.NAKKIRAN**

Crl.O.P.No.11360 of 2023

Manikandan @ Mani @ Velacherry Karuppa

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
J-10, Chemmencherry Police Station,  
Chennai.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail, in connection with Spl. S.C.No.43 of  
2022 on the file of the Sessions Judge, Special Court for Exclusive Trial of  
cases under POCSO Act, Chengalpattu and pending trial.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.N.Muthuvel  
Government Advocate (Crl.Side)



WEB COPY



CrI.O.P.No.11360 of 2023

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.03.2022, in connection with Crime No.56 of 2022 registered for the offence punishable under Sections 366, 366(A), 376(3) IPC and r/w 5(1), 6, 10 & 17 of POCSO Act, 2012 and under Section 9 and 10 of Prohibition of Child Marriage Act, seeks bail.

2.The case of the prosecution is that the petitioner along with his friends have kidnapped the victim girl to Thiruvannamalai and married her, who is a minor. He also had sexually assaulted her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl had love affair for the past three years and on 11.03.2022 the victim had voluntarily eloped with the petitioner. He would also submit that the petitioner was detained under Goondas Act on 12.04.2022 and the same was set aside by the order dated 19.12.2022. Hence, he prays to release the petitioner on bail.



Crl.O.P.No.11360 of 2023

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had kidnapped the 15 years old minor girl and sexually assaulted her. He would further submit that the investigation has been completed and the charge sheet has been filed and the same has been taken on file in Spl.S.C.No.43 of 2022 on the file of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattur. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, and also considering the fact that the investigation is completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur, Chennai**, and on further conditions that:



Crl.O.P.No.11360 of 2023

[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 learned Judicial Magistrate No.II, Alandur, Chennai, on all hearing dates without fail;**

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

**17.05.2023**

*dsa/anu*



Crl.O.P.No.11360 of 2023

WEB COPY

To

1. The Judicial Magistrate No.II, Alandur, Chennai.
2. The State represented by,  
The Inspector of Police,  
J-10, Chemmencherry Police Station,  
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P.No.11360 of 2023

**A.A.NAKKIRAN,J.**

*dsa/anu*

**Crl.O.P.No.11360 of 2023**

**17.05.2023**