



Crl.O.P.No.18117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.18117 of 2023

Manikandan

...Petitioner

Vs.

The State rep by,
The Inspector of Police,
AWPS – Kallakurichi,
Kallakurichi District.
(Crime No.08 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.08 of 2023 on the file of respondent police.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the offences punishable under Sections 366, 344, 450 of IPC and Section 9 of Child Marriage Act read with Section



Crl.O.P.No.18117 of 2023

5(n), 6 of POCSO Act in Crime No.08 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner was in love with the victim girl and he married her with her consent. Victim girl was at the verge of attaining majority, had given consent for marriage. Now resiling from her commitment, she gave the complaint. The petitioner is in custody from 16.06.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, petitioner had forcibly married the victim girl and then had forcible sexual relationship with her. The 164 Cr.P.C. statement of the victim girl was recorded and her medical examination is also over.

4. Considered the rival submissions and perused the records of the case.

5. It is seen from the 164 Cr.P.C. statement of the victim girl that petitioner is the son of her aunt. On 03.04.2023, petitioner had invited her to come to Seethalur Temple for workshipping. When they came out after workship, petitioner said to have tied thalli, despite her



Crl.O.P.No.18117 of 2023

resistance. Thereafter, petitioner had taken victim girl to his house. She was there in the house of the petitioner for two months. She was asked to do house-hold works and work in the field. It is also stated that petitioner had sexual relationship with her without her permission.

6. It is seen from the 164 Cr.P.C. statement of the victim girl that she had not taken any steps either to give a complaint or to get out from the house of the petitioner after she was taken to his home on 03.04.2023. The complaint in this case was given only on 16.06.2023. The petitioner is in judicial custody from 16.06.2023.

7. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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, Special Court for Exclusively trial of cases under the POCSO Act, Villupuram**, 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



Crl.O.P.No.18117 of 2023

Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30.a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

10.08.2023

mpl



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Crl.O.P.No.18117 of 2023

G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Sessions Judge, Special Court for
Exclusively trial of cases under the POCSO Act,
Villupuram.
- 2.The Central Prison, Cuddalore.
- 3.The The Inspector of Police,
AWPS – Kallakurichi,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18117 of 2023

10.08.2023