



CRL OP(MD). No.17444 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17444 of 2023

Mani @ Manikandan

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
All Woman Police Station,
Palayamkottai,
Tirunelveli City.
(In Crime No.562/2023).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime no.562/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, who apprehends arrest at the hands of the



CRL OP(MD). No.17444 of 2023

WEB COPY

respondent police for the offences punishable under Sections 363, 365 @ 366 IPC and Sections 3, 4 of POCSO Act, r/w. Section 109 and 506(i) IPC in Crime No.562 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl in this case is aged about 17 years and the A1, who is the petitioner herein is said to have eloped the said victim girl, due to love affairs between them and hence the accused kidnapped the Victim and committed Penetrative Sexual assault, the complaint.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that it is a case of love affair, and the accused kidnapped the Victim and committed Penetrative Sexual assault and the 164 statement of the victim was recorded. He would further submit that the further investigation of the case is pending hence he objected to grant anticipatory bail to the petitioner.



CRL OP(MD). No.17444 of 2023

WEB COPY

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the material witnesses were examined and the statement of the victim was also recorded under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for Exclusive Trial of Cases under the POCSO Act, Thirunelveli on condition that the petitioner shall execute 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CRL OP(MD). No.17444 of 2023

WEB COPY

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDGE, SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER THE POCSO ACT,
THIRUNELVELI.



CRL OP(MD). No.17444 of 2023

2 THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI CITY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17444 of 2023
Date :29/09/2023

SS/DD/05/10/2023/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023