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Crl.O.P.No.19444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19444 of 2024

Manikandan

...Petitioner/Accused

Vs.

The State Rep. by,
The Inspector of Police,
AWPS Dharmapuri Police Station,
Dharmapuri District.
(Crime No.15 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in Crime No.15 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.07.2024 for the offences under Sections 5(j), 5(ii), 5(l), and 6(1) of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act in Crime No.15 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the minor/victim girl. It is alleged that the petitioner has performed child marriage with the victim girl, who is about 15 years old. The petitioner had forcible sexual intercourse with the victim girl and subjected the victim girl to pregnancy. Thereby, the Social Welfare Officer lodged a complaint against the petitioner.

3. Learned counsel for the petitioner submitted that this is a case of a love affair; the petitioner and the victim girl loved each other. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He also submitted that the petitioner is ready to



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furnish substantial sureties for his due release on bail, and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner is alleged to have performed child marriage to the victim girl. He further submitted that the investigation in this case has almost been completed and the statement under Section 164 of Cr.P.C., has also been recorded from the minor victim girl; however, he vehemently opposed for granting anticipatory bail to the petitioner.

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

6. Considering the submissions made on both sides, the statement given by the victim girl, and also taking into consideration the period of incarceration undergone by the petitioner and the investigation also almost completed, this Court is inclined to grant bail to the petitioner with certain conditions:

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, each for a like sum to the satisfaction of the



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Sessions Judge, Special Court for Exclusive Trial of Cases Under the POCSO Act, Dharmapuri, and on further conditions that:

- [a] the petitioner shall report before the Special Court for Exclusive Trial of Cases Under the POCSO Act, Dharmapuri, every working day at 10.30 a.m., until further orders;**
- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness 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 269 of the BNS.

13.08.2024

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To

1. The Special Court for Exclusive Trial of Cases



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under the POCSO Act,
Dharmapuri.

- 2.The Superintendent of Central Prison,
Salem.
- 3.The Inspector of Police,
AWPS Dharmapuri Police Station
Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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