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CRL O.P. No.20157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.20157 of 2024

S. Manikandan S/o. Selvaraj ... Petitioner/Accused
Vs

State rep. by:-

The Inspector of Police,
Harithuvaramangalam Police Station,
Tiruvarur District. ... Respondent
[Cr. No.74 of 2024]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.74 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Mayilnathan
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

ORDER



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The petitioner /Accused, who was arrested and remanded to judicial custody on 10.07.2024 for the offences punishable under sections 7 r/w 8 of POCSO Act 2012 and Sections 329(4), 115(2), 75 and 351(2) of B.N.S. in Crime No.74 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, being the relative of the victim girl, had committed sexual assault on the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would contend that due to the family dispute, the petitioner has been falsely implicated in this case and he is an innocent and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was arrested and remanded to judicial custody on 10.07.2024. He has committed sexual assault on the minor victim



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girl. Hence he objected to grant bail to the petitioner. The learned Government Advocate would further submit that the statement of the victim girl under Section 164(5) of Cr.P.C. was recorded.

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

6. Considering the rival submissions on either side and considering the fact that the statement of the victim girl under Section 164(5) of Cr.P.C. was recorded and also considering the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **District Munsif cum Judicial Magistrate Court, Needamangalam, Tiruvarur District** and on further conditions that:

[b] the petitioner shall report before the District Munsif cum Judicial Magistrate Court, Needamangalam, Tiruvarur District on



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every working day at 10.30 A.M. until further orders.

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[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.08.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

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- 1.The District Munsif cum Judicial Magistrate Court, Needamangalam,
Tiruvarur District.
- 2.The Inspector of Police,
Harithuvaramangalam Police Station,
Tiruvarur District.
- 3.The Sub Jail, Nagapattinam.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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