



CRL O.P. No.21491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21491 of 2024

Manikandan

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Selaiyur AWPS,
Pallikaranai,
Chennai.

(Crime No.28 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the petitioner on bail in Crime No.28 of 2024, on the file of the respondent.

For Petitioner : Mr.M.Govindaraju

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 08.08.2024 for the offences punishable under Sections 9(f), 9(m) and 10 of POCSO Act, 2012, in Crime No.28 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is running a tuition centre. While so, on 07.08.2024 at about 8.00 p.m., the petitioner is alleged to have committed bad touch on the victim child's private part. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that actually, when the victim girl was about to fell down while doing yoga, the petitioner, in order protect her from falling down, hold the victim. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner is alleged to have committed bad touch on the victim child's private part. She would further submit that the statement under Section 183 of BNSS, 2023, of the victim child was recorded and investigation has been completed. She would also submit that there is no previous case against the petitioner. However, she vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offences and that there is no previous case against the petitioner and considering that already the statement of the victim child under Section 183 of BNSS, 2023, was recorded and that investigation has been completed and also considering the period of incarceration undergone by the petitioner, this Court is 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Special Court of Exclusive Trial of Cases under POCSO Act, Chengalpattu**, and on further conditions that;

[b] the petitioner shall report before the Special Court of Exclusive Trial of Cases under POCSO Act, Chengalpattu, on all working days at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the petitioner shall not abscond 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To
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- 1.The Special Court of Exclusive Trial of Cases under POCSO Act, Chengalpattu.
- 2.The Inspector of Police,
All Women Police Station,
Selaiyur AWPS,
Pallikaranai,
Chennai.
- 3.Sub Jail, Chengalpattu.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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