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Crl.O.P.No.31835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31835 of 2024

Manikandan

... Petitioner

Vs.

State: Represented by
The Inspector of Police
W33-AWPS Virugampakkam Police Station
Chennai
(Crime No.24 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in respect of
Crime No.24 of 2024 on the file of the respondent, Inspector of Police, W33-
AWPS Virugampakkam Police Station, Chennai, pending investigation.

For Petitioner : Mr.M.Mubeen

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.24 of 2024 registered for
the offences punishable under Sections 11(v) r/w. 12 of POCSO Act, 2012 and



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under Section 67 of IT Act, is on board for consideration.

2.The incarceration of the petitioner being from 23.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner was having a love affair with the minor victim girl and he is in no way connected with the alleged offences, however, he was falsely implicated in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner developed a friendship with the daughter of the de facto complainant through social media (Instagram), when the de facto complainant objected to this relationship, the petitioner/accused, as a retaliation, uploaded a picture of the minor victim girl along with the de facto complainant's mobile number, referring to her derogatorily as a call girl, in social media. He further submits that a statement under Section 183 of BNSS also recorded from the victim girl.



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4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the the statement of the victim girl recorded under Section 183 of BNSS and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the Special Court for POCSO Act at Chennai, 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 Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur Town Police Station, everyday at 06.30 p.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



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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 269 of B.N.S.

20.12.2024

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To

1. The Special Court for POCSO Act at Chennai.
2. The Inspector of Police
W33-AWPS Virugampakkam Police Station
Chennai.
3. The Superintendent,
Central Prison, Puzhal II.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Tiruppur Town Police Station,
Tiruppur.



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A.D.JAGADISH CHANDIRA., J.

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