



CRL OP(MD). No.23031 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Manikandan,

... Petitioner/Sole Accused

Vs

**The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.355 of 2019..**

... Respondent/Complainant

For Petitioner : S.Sundarapandian,Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.355 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing trial for the offences punishable under

Section 366(A), 376(2)(n) of I.P.C., r/w Sections 6 and 5(1) of Protection of Children

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from Sexual Offences Act, 2012 and under Section 9 of Prohibition of Child Marriage Act, 2006 in C.C.No.69 of 2020 on the file of the Special Court for POCSO Cases, Tirunelveli in Crime No.355 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had love affair with the defacto complainant's daughter, aged about 17 years and the petitioner herein kidnapped the defacto complainant's daughter. Therefore, the defacto complainant's father made a complaint before the respondent Police as "Girl Missing Case". Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner herein and the defacto complainant's daughter are lovers. He would further submit that already NBW was executed against the petitioner on 22.11.2023 and thereafter, he was arrested and remanded to judicial custody on 22.11.2023. He would further submit that the petitioner is in judicial custody for more than twenty days and hence, he prayed for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner wantonly absent on 11.10.2023 and hence, the trial Court issued NBW against the petitioner. Hence, if bail is granted, the trial will not be proceed further. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel on either side.

6. It appears that the petitioner was unable to appear before the concerned Court on 11.10.2023 and pursuant to the nonailable warrant, he was arrested and remanded to judicial custody on 22.11.2023. This Court perused the victim's statement and on perusal of the same, it is seen that there is a love affair between the petitioner and the defacto complainant's daughter and marriage was already performed.

7. Considering the facts and circumstances of the case and also considering the fact that there are no serious allegations against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8. 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 learned Sessions Judge, Special Court for

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POCSO Act Cases, Tirunelveli, Tirunelveli District and on further condition 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 is directed to appear before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

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03/01 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE SESSIONS JUDGE
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.23031 of 2023
Date :03/01/2024

PKP/SAR- /03.01.2024/ 6P/5C

Madurai Bench of Madras High Court is issuing certified
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