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Crl.O.P.No.3429 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.3429 of 2025

Manikandan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Vellore All Women Police Station,  
Vellore District.  
(Crime No.32 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.32 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Balavijayan

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

### **ORDER**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.10.2024, seeking bail in Crime No.32 of 2024 registered for the offence under Sections 87, 351(2), 65(2) of BNS Act - 2023 read with Section 5(m), 6(1) of POCSO Act pending in



Crl.O.P.No.3429 of 2025

Spl.S.C.No.109 of 2024 on the file of the learned Special Judge for Exclusive Trial of Cases under POCSO Act -2012, Vellore.

2. The case of the prosecution is that the petitioner and the victim girl aged about 7 years were neighbours and that the petitioner called the victim to his house under the guise of giving chocolates and thereby kissed her on the lips and placed his private part on the private part of the victim girl. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, false case has been foisted against the petitioner. He further submitted that, in any case, the petitioner is in custody from 08.10.2024 and that further custody is not required as the prosecution has filed final report.

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and confirms the fact that final report has already been filed and taken on file in Spl.S.C.No.109 of 2024 on the file of the Special Judge for Exclusive Trial of the POCSO Act Cases, Vellore.



Crl.O.P.No.3429 of 2025

WEB COPY

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering, the nature of allegation; the period of incarceration; and that since final report has been filed, further custody of the petitioner is not required, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge for Exclusive Trial of the POCSO Act-2012, Vellore** 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 report before the trial**



Crl.O.P.No.3429 of 2025

WEB COPY

**Court on all working days at 10.30 a.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 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 B.N.S.

**12.02.2025**

*Sma*

To



CrI.O.P.No.3429 of 2025

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1. Special Court for Exclusive Trial of the POCSO Act -2012, Vellore
- 2.The Inspector of Police,  
Vellore All Women Police Station,  
Vellore District.
3. The Superintendent,  
Central Prison, Vellore
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.3429 of 2025

**SUNDER MOHAN., J.**

*Sma*

**Crl.O.P.No.3429 of 2025**

**12.02.2025**