



CRL OP NO. 3896 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3896 of 2025

Manikandan

... Petitioner

Vs.

State Rep By The Inspector Of Police
Palladam Police Station,
Tiruppur District.
Crime No. 1259 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.1259 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Ms.S.Valarmathi
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 22.12.2024, seeking bail in Crime No. 1259 of 2024 registered for the offences under Section 7 r/w 8 of POCSO altered to Section 5(l) r/w 6 of POCSO Act.



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2. The case of the prosecution is that the victim girl is aged about 14 years who had voluntarily gone with the petitioner, aged about 27 years and thereafter, the petitioner had taken the victim girl to various places viz., Salem and Chennai and had committed penetrative sexual assault. Hence the case.

3. The learned counsel appearing for the petitioner submitted that it is an admitted case of love affair between the petitioner and the victim girl, that the petitioner is innocent, that he is in custody from 22.12.2024 and in any case further custody of the petitioner is not required for the purpose of investigation, the petitioner may be released on bail.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the fact that it is a case of love affair; the victim girl had voluntarily gone with the petitioner; produced the Section 164 Cr.P.C statement of the victim girl which reveals that the victim girl had gone voluntarily with the petitioner and in any case, Submitted her consent is immaterial since the victim girl is aged about 14 years and hence, he opposed for grant of bail.



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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 relationship between the petitioner and the victim girl; period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, 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 **Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur.**

[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 respondent Police, everyday at 10.30 a.m., until further orders;



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[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.

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To

1. The Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur.
2. The Inspector Of Police
Palladam Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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