



Crl. O.P. No.7581 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7581 of 2025

Manikandan (M/30) (A1)
S/o. Eswaran

... Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Tiruppur North, AWPS
Tiruppur District.
(Crime No.36 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail, in Spl. S.C. No.228 of 2024 pending on the file of
the Sessions Judge Mahalir Neethimandram, (FTMC), Tiruppur.

For Petitioner : Mr. Naveen

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.11.2024, seeking bail in Spl. S.C. No.228 of 2024 pending on the file of the Sessions Judge Mahalir Neethimandram, (FTMC), Tiruppur, for the offences punishable under Sections 5(1) r/w 6 & 11(5) r/w 12 of POCSO Act 2012 and 67, 67A of IT Act, in Crime No.36 of 2024.

2. This is the second bail application before this Court. The earlier bail application in Crl.O.P. No.1830 of 2025 was dismissed as withdrawn on 28.01.2025 by Hon'ble Mr. Justice A.D. Jagadish Chandira, and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner and the victim girl aged 16 years, had a love affair; that the petitioner, on the promise of marriage, had sexual intercourse with the victim; that A2 who is the friend of A1 has recorded the said act by a hidden camera and threatened her to agree to his desire and also sent that video to the brother of the petitioner herein. Hence the case.



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4. The learned counsel for the petitioner submitted that the allegations against the petitioner are false; that in any case it is a case of consensual relationship between the petitioner and the victim and that the co-accused was granted bail on 02.01.2025 in Crl.O.P. No.32298 of 2024. Hence, he prayed that considering the period of incarceration and that the investigation had been completed, the petitioner may be granted bail.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this the second bail application; that the earlier bail application was dismissed as withdrawn on 28.01.2025 and that the investigation has now been completed. He also produced the statement of the victim under 164 Cr.P.C.

6. This Court had perused the 164 statement of the victim. The statement reveals that the petitioner and the victim had consensual relationship. Though the said act may not be justified since the victim girl was aged 16 years, the question is whether the further custody of the petitioner is required. in the facts and circumstances of the case. The petitioner is in custody from 05.11.2024. The final report has also been filed. The co accused has also been released on bail.



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Considering the aforesaid facts, 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**, 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 appear before the trial court on all hearing dates.

[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;



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[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.

19.03.2025

bga

To

1. The Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur.
2. The Inspector of Police,
Tiruppur North, AWPS
Tiruppur District.
(Crime No.36 of 2024)
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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