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Crl.O.P.No.8055 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8055 of 2025

Manikandan

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
AWPS, Sirkazhi,
Mayiladuthurai District.

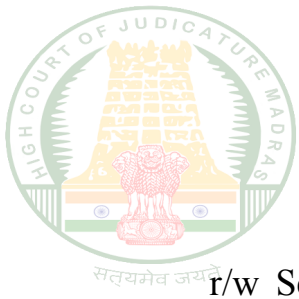
(Crime No.17 of 2019)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in SC.No.25 of 2024 on the file of the Principal District and Sessions Judge, Mayiladuthurai District.

For Petitioner : Mr.S.Kasirajan

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

**ORDER**

The petitioner, who is facing trial for the offence under Section 10 r/w Sections 9(1), 6 r/w 5(j)(ii), 5(1) of POCSO Act, 2012, and Section 506(1) of IPC in SC.No.25 of 2024 on the file of the Principal District and Sessions Judge, Mayiladuthurai District, did not appear before the Trial Court on 31.05.2024 and a Non-Bailable Warrant has been issued and thereafter, the same was executed on 09.02.2025 and remanded to judicial custody and hence, seeks bail.

2.It is the case of the prosecution that the petitioner got married with the victim's elder sister; that on 15.03.2019 at about 4.30 p.m., the petitioner had committed penetrative sexual assault on the victim girl aged 16 years and threatened her of dire consequences. Hence, the case.

3.The learned counsel for the petitioner would submit that due to health issues, the petitioner was not able to appear before the Trial Court and hence NBW issued on 31.05.2024 and he was arrested on 09.02.2025; that the allegations are false; that the disputes between the parties has been projected as a case of penetrative sexual assault and in any case, considering the period of incarceration, further custody of the petitioner is not required



and sought for bail.

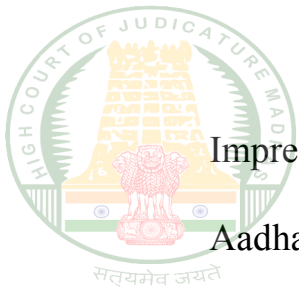
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the case is now posted for examination of witnesses and that the defacto complainant had in her statement recorded under Section 164 of Cr.P.C., stated that she intended to withdraw the complaint.

4.Considering the aforesaid facts, period of incarceration, the fact that the petitioner was earlier granted bail, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

5.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 **Principal District and Sessions Judge, Mayiladuthurai**, 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;

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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;

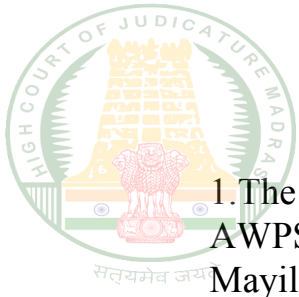
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

01.04.2025

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Copy to:



1.The Inspector of Police,
AWPS, Sirkazhi,
Mayiladuthurai District.

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2.The Principal District and Sessions Judge, Mayiladuthurai.

3.Central Prison.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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