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Crl.OP.No.8475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.8475 of 2025

Manikandan ... Petitioner(s) /Accused

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station – Dharapuram,
Tiruppur. ... Respondent(s)/ Complainant
Crime No.25 of 2024

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail pending investigation in Crime No.25 of 2024 on the file of the Inspector of Police, All Women Police Station – Dharapuram, Tiruppur.

For petitioner(s) : Mr.P.Thinesh

For Respondent(s) : 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 29.11.2024, seeking bail



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in Crime No.25 of 2024 registered for the offences under Section 5(l)(j)(ii)

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(Section 506(ii) of IPC).

2. It is the case of the prosecution that the petitioner is the brother-in-law of the victim girl, aged 15 years; that the victim girl's sister was married to the petitioner; that the petitioner had committed penetrative sexual assault on several occasions on the victim girl; that when the victim girl became pregnant and was taken for treatment, she disclosed the said facts. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that the allegations would reveal that the petitioner and the defacto complainant were in a consensual relationship; that the petitioner is in custody from 29.11.2024; and that, in any case, further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the investigation has been completed; that the final report has also been filed; and that the case is now posted for trial.

5. The petitioner has been in custody since 29.11.2024, and the final report has also been filed. Though the conduct of the petitioner alleged by the prosecution cannot be justified, considering the nature of the allegations, the period of incarceration, and since further custody of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 **Hon'ble Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur,** and on further conditions that:



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[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;

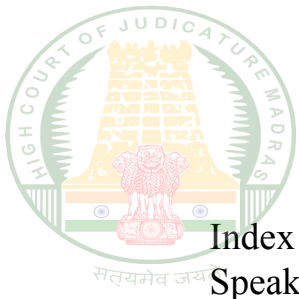
[b] the petitioner shall stay at Coimbatore and report before the C2-Race Course Police Station, Coimbatore everyday at 10.30 a.m., except the hearing dates and before the trial court on all hearing dates until further orders;

[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.



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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
All Women Police Station – Dharapuram,
Tiruppur.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Hon'ble Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur.
4. The Superintendent of Prison,
Central Prison, Tiruppur.



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SUNDER MOHAN, J.
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