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Crl.O.P.No.31647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31647 of 2024

Manikandan

... Petitioner

Vs.

State: Represented by
The Inspector of Police,
Sevvapet Police Station
(Crime No.394 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.394
of 2024 on the file of the respondent Police.

For Petitioner : Mr.M.Nandhakumar

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

ORDER

Petition seeking bail in respect of Crime No.394 of 2024 registered for
the offences punishable under Section girl missing @ 87 BNS, 5(1), 6(1) of
POCSO Act, 2012 is on board for consideration.

2.The incarceration of the petitioner being from 23.10.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned



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counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner and the victim girl were acquainted through social media, and due to their romantic relationship, the victim girl left her house and they spent time together, roaming around the city, staying at a hotel, and becoming physically involved. He further submits that aside from these actions, the petitioner has not committed any of the offenses as alleged by the prosecution. He further submits that upon learning about the registration of the case, the petitioner brought the victim to the police station and surrendered her to the authorities, where he was subsequently arrested. He also submits that a significant portion of the investigation has already been completed. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. The learned counsel for the petitioner further submits that the victim girl is over 12 years old, and the petitioner unaware of her exact age, accompanied her.

4.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on the complaint given by one Naganandhini that her minor daughter aged about 12 years, a case in Cr.No.394 of 2024 was registered as girl missing, later during the course of investigation, it came to light that the petitioner had induced the minor victim girl and committed penetrative sexual assault on



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her.

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5.It is a case of love affair, this Court has called for CD file from the respondent police and perused the statement of the victim girl recorded under section 180 of BNSS.

6.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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**, (out of the two sureties one should be either Mother or Father of the petitioner) each for a like sum to the satisfaction of the learned District Mahila Judge (Fast Track Court) at Thiruvallur 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 stay at Pallavaram and report before the Inspector of Police, Pallavaram Police Station, everyday at 06.30 p.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 of B.N.S.

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A.D.JAGADISH CHANDIRA., J.
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To

- 1.The learned District Mahila Judge (Fast Track Court) at Thiruvallur
- 2.The Inspector of Police,
Sevvapet Police Station
- 3.The Inspector of Police,
Pallavaram Police Station
- 4.The Superintendent,
Central Prison, Puzhal.
- 5.The Public Prosecutor,
High Court of Madras.

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