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Crl.O.P.No.29854 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29854 of 2025

Manikandan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kodavasal Police Station,
Tiruvarur.
(Crime No.501 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.501 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Sengkodi

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 22.12.2024, for the offence punishable under Section 96 of BNS, under
Section 5(1) r/w Section 6 of POCSO Act and Section 9 of the Prohibition of
Child Marriage Restraint Act, in Crime No.501 of 2024, registered on the file



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of the respondent, seeks bail.
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2. The case of the prosecution is that the petitioner lured the victim girl, aged about 13 years, kidnapped her, and committed penetrative sexual assault. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner was arrested in December 2024. The case is now pending for trial, and since there were no family members to look after the petitioner, earlier, he could not approach this Court in time. He further submitted that the petitioner is ready to cooperate with the trial proceedings. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed to grant of bail to the petitioner, reiterating the prosecution case. He submitted that the petitioner had kidnapped the victim girl, aged about 13 years, and committed penetrative sexual assault. Thereafter, when the family members came to know about the occurrence, a complaint was lodged. The investigation has been completed and the final



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report has been filed in Spl.S.C.No.22 of 2025 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur. He further submitted that the petitioner has four previous cases.

5. I have carefully perused the materials available on record, including the statement of the victim girl, it is seen that the petitioner is alleged to have kidnapped and assaulted a minor girl aged about 13 years. However, the investigation has been completed and the final report has been filed.

6. Considering the nature of the allegations, the fact that the case is now pending in Spl.S.C.No.22 of 2025, and taking into account the period of incarceration, 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Mahila Fast Track Court, Tiruvarur**, and on further conditions that:



[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of three weeks. It is made clear that the petitioner shall not enter the area where the victim resides;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by



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the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Mahila Fast Track Court, Tiruvarur.
- 2.The Inspector of Police,
Kodavasal Police Station, Tiruvarur.
- 3.The Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

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