

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.2446 of 2018

SELVARAJ,

[PETITIONER / ACCUSED]

Vs

STATE REP BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,

THIRUPPUR NORTH POLICE STATION,

TIRUPPUR DISTRICT.

CR.NO.1440 OF 2017.

For Petitioner : M/S.S.SILAMBU SELVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 31.12.2017 for the offences punishable under Sections 366 of IPC and 5(1)(n) r/w.6 of POSCO Act 2012 in Crime No.1440 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Viswanathan is that on 27.12.2017 when the defacto complainant woke up he had seen his daughter Sandhiya missing and on enquiry he suspected that the petitioner who was a tenant in his house for more than four years had kidnapped her daughter . Thereafter during investigation it came to be revealed that the petitioner had abducted the victim girl and had taken her to various places and in the guise of marrying her had tied thali and had sexual intercourse with her.

3.The learned counsel appearing for the petitioner would submit that the petitioner was a tenant in the defacto complainant's house for morethan four years and the victim girl and the petitioner had both eloped from the house. He would further submit that statement under section 164 Cr.P.C has been recorded from the victim girl wherein she had stated that she had eloped with the petitioner and would submit that major part of the investigation is over and therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is aged about 27 years and had kidnapped the minor girl

and had sexual intercourse with her under the guise of marrying her. He would further submit that the major part of the investigation is over.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has been in custody since 31.12.2017, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for a like sum to the satisfaction of the learned Magalir Neethimandram, Thiruppur and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/03/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAGALIR NEETHIMANDRAM
THIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 STATE REP BY,
THE INSPECTOR OF POLICE,
THIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary
charges SR.NO. 4568

CRL OP.2446/2018

Date :07/03/2018

RD 07/03/2018