

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12237 of 2019

RANJITHKUMAR @ AJITHKUMAR

[PETITIONER / ACCUSED]

Vs

STATE, REP. BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
B-1, BAZAAR POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.111 OF 2019

For Petitioner : M/S.V.SAKKARAPANI Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.02.2019 for the offence of Girl Missing subsequently altered into for the alleged offence under Section 366 IPC and 5(1) r/w 6 of POCSO Act 2012 in Crime No.111 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped victim girl, who was aged about 17 years and thereafter, had committed an offence under POCSO Act.

3. The learned counsel for the petitioner submitted that there was a love affair between the petitioner and the victim girl and she had voluntarily come along with the petitioner. The learned counsel further submitted that they also got married in a Temple. The complaint was given by the parents of the victim girl and pursuant to the same, the petitioner was arrested and remanded to judicial custody on 27.02.2019 and he has already suffered incarceration for more than 71 days.

4. The learned Additional Public Prosecutor submitted that the 164 statement recorded from the victim girl, clearly shows that there was a love affair between the petitioner and the victim girl and she has voluntarily gone along with the petitioner. The learned counsel further submitted that the victim girl has been secured and handed over to her parents.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the victim girl had already been secured and there is nothing incriminating against the petitioner and the petitioner having suffered incarceration for more than 71 days, this Court is inclined to grant bail on the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Coimbatore 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 report before the respondent Police as and when required.

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

[d] the petitioner shall not abscond 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 petitioners 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 229A IPC.

-sd/-
08/05/2019

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 SESSIONS JUDGE,
MAHILA COURT, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
B-1, BAZAAR POLICE STATION,
COIMBATORE DISTRICT.

+1CC to V.SAKKARAPANI Advocate on payment of necessary
charges SR NO.9464

CRL OP.12237/2019

Date :08/05/2019

MK:09/05/2019