

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

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

Crl.O.P.No.9226 of 2020

Prabu

... Petitioner

- Vs. -

The State,
Rep. by Inspector of Police,
Mylapore Police Station,
Chennai District.
(Crime No.87 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.87 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Kadhiresan

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.03.2020 for the offences punishable under Section 6 of POCSO Act, in Crime No. 87 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Stella Mary/mother of the victim is that her daughter was found missing. Thereafter, during the course of investigation, it was found that the petitioner had abducted the victim and committed sexual assault.

3.The learned counsel for the Petitioner would submit that the petitioner and the de facto complainant's daughter having love affair, since it was opposed by the defacto complainant, the victim on her own volition came out of the house and stayed with the petitioner, he would submit that the victim is in verge of attaining majority, the petitioner and the victim intended to get married with each other after attaining majority. He would further submit that the petitioner was arrested on 10.03.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner abducted the minor daughter of the de facto complainant and he has taken her to several places and committed repeated penetrated sexual assault. He would further submit that the final report has not been filed so far.

5.Taking into consideration of the facts and circumstances of the case and that the final report has not been filed so far and that the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned XVIII Metropolitan Magistrate, Saidapet, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and required for interrogation;

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/07/2020

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 METROPOLITAN MAGISTRATE
NO.XVIII, SAIDAPET, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MYLAPORE POLICE STATION,
CHENNAI DISTRICT.

CC to M/S. G.KADHIRESAN Advocate on payment of necessary charges



CRL OP.9226/2020

Date :08/07/2020

cs 04/08/2020

WEB COPY