

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2020

CORAM :

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

Crl.O.P.No.9288 of 2020

1.Prabu
2.Prakash
3.Chinnasamy

.. Petitioners

/versus/

State by
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District,
Crime No.364 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to grant bail to the petitioners in Crime No.364 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 27.05.2020 for the alleged offence punishable under Section

Girl Missing @ 363, 366(A), 366 of IPC and 5(1) r/w 6 of POCSO Act 2012 in Crime No.364 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Govindaraj is that his minor daughter Santhiya, aged about 16 years was found missing on 22.05.2020. During the investigation, it was found that A1 Santhosh had kidnapped the victim girl and forcibly married her. The further allegation is that the petitioners who were friends of A1 Santhosh had abetted him.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they were falsely implicated in this case. He would further submit that A1 Santhosh had love affair with Santhiya, who is the daughter of the defacto complainant and both of them eloped and got married. Since the petitioners happened to be the friends of A1 and they have been arrested. He would further submit that there is no allegation against the petitioners, as if, they committed any harassment to the victim girl.

4. The learned Additional Public Prosecutor would further submit that A1 Santhosh had kidnapped the minor daughter of the defacto complainant and married her. He would further submit that the victim has been secured. He would further submit that the allegation against the petitioners is that they have assisted A1 in the offence.

5. Taking into consideration the facts and circumstances of the case and that the petitioners have been in custody from 27.05.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions :

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

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, 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 petitioners shall report before the respondent police every day at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

(e) the petitioners to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(j) 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.

24.06.2020

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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
- 2.The Superintendent,
Central Prison, Salem.
- 3.The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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