

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.9320 of 2020

E.Chandran

.. Petitioner

/versus/

The State rep by
The Inspector of Police,
Achirapakkam Police Station,
Kancheepuram District,
Crime No.550 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to release the petitioner on bail pending investigation in Crime No.550 of 2020 on the file of the respondent.

For Petitioner : Mr.G.Magesh Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.04.2020 for the alleged offence punishable under Section 366(A) IPC later altered to offence under Section 6 & 17 of POCSO Act in Crime No.550 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Krishnamoorthy is that his minor daughter Anajana Devi aged 17 years was found missing, later it was found that A2 Vinoth Kumar had abducted his daughter. Based on the complaint a case was registered by the respondent police for the offence punishable under Section 366 (A) of IPC later it was altered to offence under Section 6 & 17 of POCSO Act. The allegation against the petitioner is that he had harbored A2 and the victim girl in his house.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the said Vinoth Kumar, who is the relative of the petitioner came to his house in the Covid period along with one girl and without understanding the consequences the petitioner had allowed them to stay in his house. He would further submit that the petitioner has not committed any offence. The learned counsel for the petitioner would further submit that the petitioner is the relative of A2, since he had come from Achirapakkam, he had given shelter to A2 and the victim girl. The petitioner is in custody from 28.04.2020.

4. The learned Additional Public Prosecutor would submit that one Vinoth Kumar abducted the minor girl aged 17 years and took her away. He would further submit that petitioner had harbored the said Vinoth Kumar and also assisted A2 in his act.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration, 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 Special Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu, 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 when required for interrogation.

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

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

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

(h) the petitioner 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.

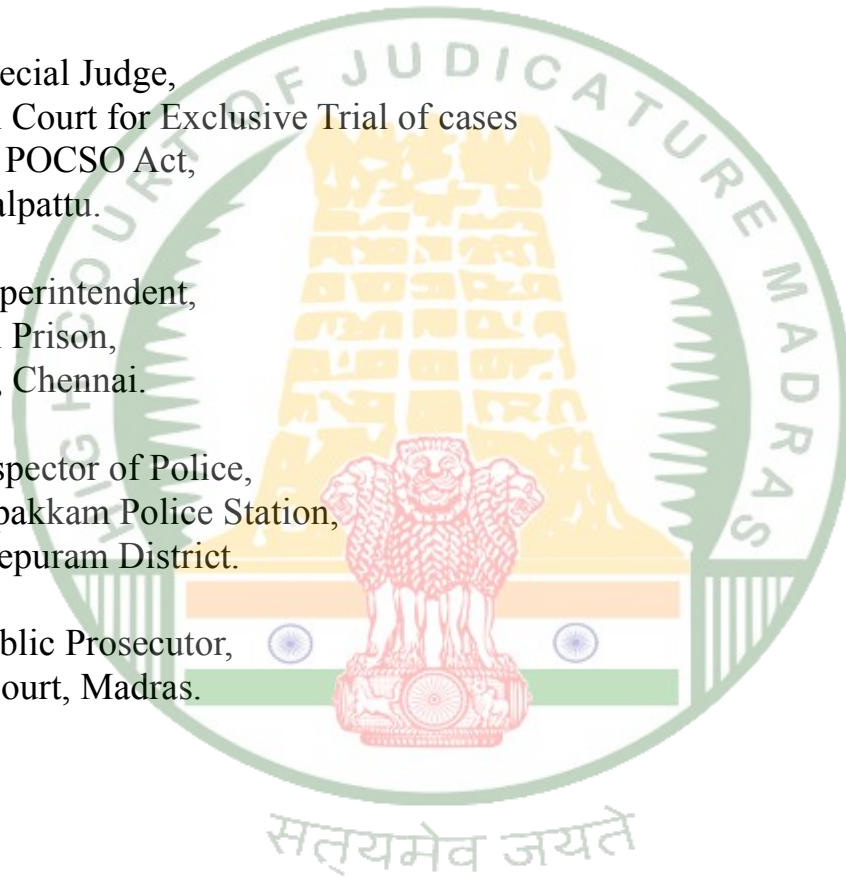
24.06.2020

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To

- 1.The Special Judge,
Special Court for Exclusive Trial of cases
under POCSO Act,
Chengalpattu.
- 2.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 3.The Inspector of Police,
Achirapakkam Police Station,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court, Madras.

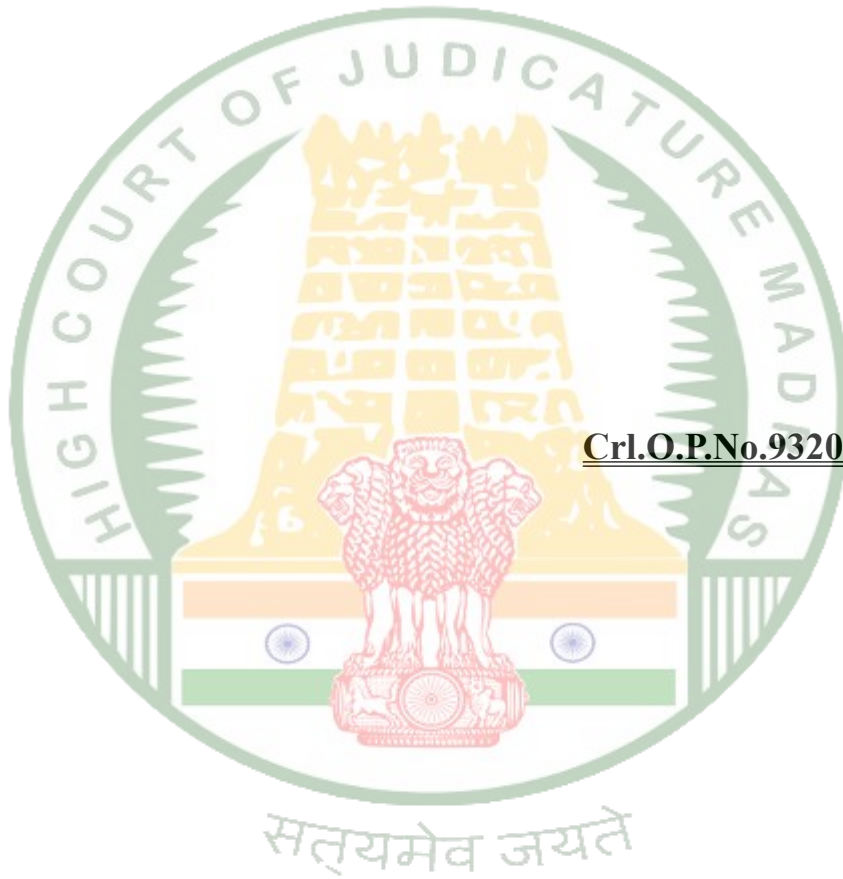


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A.D.JAGADISH CHANDIRA, J.

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