

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9660 of 2020

P. Arun Mani

... Petitioner

-vs-

The State

Rep. by the Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in respect of Crime No. 1608 of 2020 pending on the file of the Polur Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr. S.B. Viswanathan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

The Petitioner, who was arrested and remanded to judicial custody on 15.06.2020 in Crime No. 1608 of 2020 which was registered by the Respondent for the offence punishable under Section 366(A) of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution as per the de-facto complainant, father of the Victim, is that A1 abducted his daughter, Ramya, aged about 17 years, with the help of A2, maternal aunt, and the other accused, A3, A4 and A5, who are the friends of A1.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case and he was arrested on 15.06.2020. He would further submit that A1, Selvakumar and the Victim were having love affair and that they have eloped on 11.06.2020. Since the Police was unable to find them, they have implicated the Petitioner in this case and he has been arrested to put pressure on A1 to bring back the Victim. He would further submit that the Petitioner has purchased a SIM card and gave it to A1 and he has got nothing to do with the abduction committed by A1. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that A1, Selvakumar had abducted the daughter of the de-facto complainant, Ramya, aged about 17 years. He would further submit that the Petitioner, who was arrayed as A3, has assisted A1 in abducting and handing over the Victim to A1 and he has also informed the movements of the Police to A1. He would further submit that the Victim has not been secured and A1 is also absconding, and opposed for grant of bail.

5.Taking into consideration of the facts and circumstances of this case and the submissions made by the Counsel, 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 Judicial Magistrate, Polur 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 everyday at 10.30 a.m. until further orders;

(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/-

29/06/2020

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 JUDICIAL MAGISTRATE,
POLUR

2 THE OFFICER INCHARGE,
SUB JAIL, THIRUVANNAMALAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges

CRL OP.9660/2020

Date :29/06/2020

RVR 18/08/2020

WEB COPY