

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

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

CrI.O.P.No.10186 of 2020

Deva

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Polur Police Station,
Polur, Tiruvannamalai District.
Crime No.1608 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in Crime No.1608 of 2020
pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI.Side)

O R D E R

The petitioner who was arrested and remanded to judicial custody
on 15.06.2020 for the offence punishable under Section 366(A) of
I.P.C. in Crime No.1608 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant
Suresh is that the main accused namely Selvakumar S/o. Anandan, had
kidnapped his minor daughter Ramya. The allegation against the
petitioner is that the petitioner being friend of the main accused,
had helped the main accused in kidnapping the victim girl. Hence,
the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent and he has been falsely implicated in this
case since, he happens to be the friend of first accused. He would
further submit that since, the respondent police are unable to secure
A1 as well as the victim girl, have falsely implicated the petitioner
to put pressure on A1. He also submitted that the petitioner has been
in judicial custody for more than 20 days from 15.06.2020 and prays
to grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the main accused Selvakumar had kidnapped the defacto complainant's daughter who is studying in 11th std. with the help of this petitioner and others. He further submitted that the victim girl is yet to be secured. Hence, he vehemently opposed to grant bail to the petitioner.

5. In view of the above facts and circumstances of the case and the fact that the petitioner is only a friend of A1 and also considering the period of incarceration by the petitioner from 15.06.2020, 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, on or before 07.08.2020, 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 daily at 10.30 a.m. and 5.30 p.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/-

07/07/2020

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 JUDICIAL MAGISTRATE,
POLUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
POLUR POLICE STATION, POLUR,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

CRL OP.10186/2020

Date :07/07/2020

RVR 01/09/2020

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