

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10307 of 2020

V.Citizen

... Petitioner

Vs.

State rep. by

The Inspector of Police,  
Kottapatti Police Station,  
Dharmapuri District.  
(Crime No.244 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.244 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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 28.05.2020 for the offences punishable under Section 366(A) of IPC & Section 5(i) and 6 of POCSO Act subsequently altered as 366(A) of IPC & 5(i), 6, and 5(n) of POCSO Act, in Crime No.244 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner had kidnapped the daughter of the de-facto complainant and sexually assaulted her. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner and the de-facto complainant are close relatives. He would further submit that the de-facto complainant's daughter had developed love affair with the petitioner and the same was objected by the parents of the defacto complainant. Therefore, the daughter of the defacto complainant eloped with the petitioner and married him. Hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had kidnapped the daughter of the de-facto complainant and sexually assaulted her. He would further submit that the victim girl who is aged about 16 years, has been secured. However, he vehemently opposed for the grant of bail to the petitioner.

5. Taking into consideration, the fact and circumstances of the case and considering the period of incarceration by the petitioner from 28.05.2020, 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 Sessions Judge(FAC), Fast Track Mahila Court, Dharmapuri, on or before 09.08.2020, 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. for a period of two weeks and thereafter, as and when 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 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];

(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/-  
09/07/2020

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 SESSIONS JUDGE  
FAST TRACK MAHILA COURT,  
DHARMAPURI.

2 THE OFFICER INCHARGE  
SUB-JAIL, DHARMAPURI.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KOTTAPPATTI POLICE STATION,  
DHARMAPURI DISTRICT.

CC to M/S. J.PRADEEP Advocate on payment of necessary charges

CRL OP.10307/2020

Date :09/07/2020

cs 07/08/2020

WEB COPY