

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10421 of 2020

Naveen Raj

... Petitioner/1st Accused

Vs.

The State represented by
The Inspector of Police,
AWPS Bhavani,
Erode District.
In Crime No. 9 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in connection with the case pending investigation on the file of the respondent in Crime No. 9 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Lakshmipathy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (crl.side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.05.2020 for the offences punishable under Sections 366 of IPC with 11(4) of POCSO Act, in Crime No.9 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complaint viz., Sivagami, the mother of the victim girl is that the petitioner has abducted her minor daughter aged about 17 years and harassed her. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this. He would submit that the victim and the petitioner were having a love affair and since, it was objected by the parents of the victim, she has eloped from her home along with the petitioner and on the case being registered, the victim has gone back to her parents home. He would submit that even as per the complaint, it is not a case of sexual assault. He would submit the petitioner was

arrested on 25.05.2020 and he is inside prison for 47 days as on today. He would submit that the major part of the investigation has been completed and statement from the victim has also been recorded under Section 164 Cr.P.C. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the minor daughter of the defacto complainant was kidnapped by the petitioner and harassed by him. He further submit that the statement under Section 164 Cr.P.C. has been recorded from the victim girl. Hence, he opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and considering the incarceration by the petitioner for a period of 47 days as on today, 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 Magalir Neethi Mandram, Fast Track Mahila Court, Erode, within a period of two weeks from the date of receipt of a copy of this order or after lifting of the lockdown and the commencement of the Court's normal functioning, whichever is earlier, 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 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/-

10/07/2020

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 MAGALIR NEETHI MANDRAM,
FAST TRACK MAHILA COURT, ERODE.

2 THE INSPECTOR OF POLICE,
AWPS BHAVANI,
ERODE DISTRICT

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

WEB COPY

CRL OP.10421/2020

Date :10/07/2020

MN-CS-07/08/2020