

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2020

CORAM :

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

Crl.O.P.No.10859 of 2020

Parthiban

... Petitioner

- Vs. -

State Rep. by the Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.6 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 on 03.07.2020, for the offences punishable under Sections 363, 366, 366(A) of I.P.C, in Crime No.6 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Chikkiyammal is that her daughter Sneha was studying Fashion Designing at Thiruchengodu and that she had come back to her house due to lockdown and that on 17.06.2020, she was found missing during the night hours. On an enquiry, the *de facto* complainant found that her daughter Sneha was kidnapped by the petitioner herein. Based on the complaint given by the *de facto* complainant on 25.06.2020, the case has been registered and that the petitioner was arrested on 03.07.2020.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent. He would submit that the petitioner was having a love affair with the daughter of the *de facto* complainant and coming to know about it the family had objected and harassed the victim Sneha and thereby, she eloped from the house and came along with the petitioner and after the victim attaining majority the petitioner had married her. He would submit that the victim girl was found missing on 17.06.2020 and

the complaint has been lodged only on 25.06.2020 and that the petitioner voluntarily surrendered along with the victim girl and the victim girl was taken to the Magistrate and statement was recorded, wherein, she has stated that she was not kidnapped by anybody and that she had married the petitioner on her own accord. He would further submit that the petitioner was arrested and remanded to judicial custody on 03.07.2020 and that the major part of the investigation is over. He would submit that the petitioner will co-operate with the respondent for investigation.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner kidnapped the daughter of the *de facto* complainant, who was aged 17 years and after the victim attained majority, the petitioner married her and that the victim has been secured and that she was taken to the Magistrate and she has stated that nobody kidnapped her.

5.Taking into consideration of the facts and circumstances of the case, 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 District Munsif-cum-Judicial Magistrate, Denkanikottai, within 15 days from the date of lifting of the lockdown or 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 every day at 10.30.am. for a period of two(2) weeks and thereafter, as and when required;

(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/-

21/07/2020

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

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

CRL OP.10859/2020

Date :21/07/2020