

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10930 of 2020

Ramamoorthy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Jolarpettai Police Station,
Tirupattur District.
Cr. No.411 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in respect of Crime No.411
of 2020 on the file of the Inspector of police, Jolarpettai police
station, Thirupattur District pending investigation.

For Petitioner : Mr.S.Ramachandran

For Respondent : Mr.T.Shunmugarajeswaran
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 13.06.2020 for the offences punishable under Section 366A
of IPC in Crime No. 411 of 2020 on the file of the respondent
police, seeks bail.

2. The case of the prosecution as per the defacto complainant
one Latha is that her daughter Pavithra who is aged about 16 years,
was abducted by one Nallamuthu and his brothers forcibly for getting
her married with the said Nallamuthu. Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner has not committed any offence as alleged by the
prosecution. Since, he happens to be the elder brother of the main
accused, he has been falsely implicated in this case. He would
further submit that due to love affair between the victim/Pavithra
and the brother of the petitioner viz., Nallamuthu/Al, they had
eloped to somewhere. Thereafter, they were brought back. Since they
belong to two different community, the defacto complainant forced the
victim girl to marry some other person against her wish and bride
groom was also found and therefore, she once again eloped with the

brother of the petitioner on 25.05.2020. Thereafter, in order to bring them back, a false case was foisted against the petitioner. He would further submit that the girl is 17 years and 11 months old and the petitioner has been in judicial Custody from 13.06.2020. Hence, he seeks to grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is the elder brother of Al/Nallamuthu. The petitioner along with other accused, had abducted the minor daughter of the defacto complainant who is aged about 16 years and the girl is yet to be secured. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstance of this case and also considering the period of incarceration undergone by the petitioner from 13.06.2020, 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 No.I, Thirupattur, within 15 days from the date of lifting of the lock down 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 everyday at 10.30 a.m., and 05.30 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/-
22/07/2020

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,
NO.I, THIRUPATTUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
JOLARPETTAI POLICE STATION,
THIRUPATTUR DISTRICT.

+1 CC to M/S. S.RAMACHANDRAN Advocate on payment of necessary charges SR.No.5762

WEB COPY

CRL OP.10930/2020

Date :22/07/2020

cs 24/07/2020