

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 11198 of 2020

Muneeswaran

... Petitioner/Sole Accused

Vs.

The State represented by,
The Sub Inspector of Police,
Thandramput Police Station,
Tiruvannamalai District.
(Crime No.1852 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.1852 of 2020.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (CrI. 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 01.07.2020 for the offences punishable under Sections 366(A) of IPC and 3(a) read with Sections 4, 5(j)(ii), 6, 5(i) of Posco Act, 2012, in Crime No. 1852 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Senthil Kumar is that his daughter viz., Egavarthini, aged 16 years had gone missing on 01.07.2020 and on search, it came to light that the petitioner had married the victim girl on false promise and victim girl was under the custody of the petitioner. Hence the complaint has been registered against the petitioner and he has been remanded to judicial custody.

3 The learned counsel appearing for the petitioner would submit that the petitioner and the daughter of the defacto complainant were having love affair and it has been objected by the parents of the victim girl and thereafter with the consent of both the parties, the marriage took place. He further submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that victim girl and the petitioner are belong to the same community. He further submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girl and the medical examination has been over.

5 Taking into consideration of the facts and submissions made by the learned counsel and also considering the fact that the petitioner is in jail from 01.07.2020, 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, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Special Court for Trial of Cases under POSCO Act, Tiruvannamalai, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever 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 respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.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 or 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/-
28/07/2020

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 SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
SUB JAIL, TIRUVANNAMALAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
THANDRAMPUT POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.11198/2020

Date :28/07/2020

MK:25/08/2020