

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

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

Crl.O.P.No.11299 of 2020

Kumar
S/o.Raju

... Petitioner

Vs.

State Rep. by the Sub Inspector of Police
Omerabad Police Station
Vellore District
(Crime No.960 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.960 of 2020, pending investigation on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

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 09.07.2020 for the offences punishable under Section 366(A) of IPC, in Crime No.960 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner abducted the minor daughter of the defacto complainant with an intention to marry her. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the victim girl loved each other following which, the victim girl who is at the verge of attaining majority, eloped with the petitioner in order to marry him. Thereafter, when coming to know about the registration of the case, the petitioner himself surrendered before the Court. Even as per the statement recorded from the victim girl under Section 164 Cr.P.C., she has stated that on her own violation, she had gone with the petitioner to marry him and there is no allegation of sexual assault. He would submit that the petitioner has been in judicial custody from 09.07.2020 and prays for grant of bail

to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner abducted the victim girl who is aged about 17 years with the intention of marrying her. Later, the victim girl was secured and her statement under Section 164 Cr.P.C. was also recorded in which she has stated that on her own violation, she had gone along with the petitioner to get married and in her statement there is no complaint of sexual assault.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner, 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 condition to execute 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), before the learned Additional District Munsif cum Judicial Magistrate, Ambur, within a period of two weeks after lifting of 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 everyday 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/-
29/07/2020

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 ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE,
AMBUR

2 THE OFFICER INCHARGE
SUB-JAIL, AMBUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
VELLORE DISTRICT.

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

सत्यमेव जयते

CRL OP.11299/2020

Date :29/07/2020

RD 27/08/2020

WEB COPY