

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.11816 of 2020

R.Ajith

... Petitioner

Vs.

The State Represented by
The Inspector of Police
Omerabad Police Station,
Thirupattur District
Crime No.985 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.985 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Pachaiyappan

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 18.07.2020 for the offence punishable under Section 366(A) IPC in Crime No.985 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 15.07.2020 his minor daughter was found missing. Thereafter, during investigation it was found that the petitioner had kidnapped the minor girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl were in love with each other. Since, the parents of the victim girl had forced her to marry someone else against her wish, she left her home and gone along with the petitioner. On coming to know about the registration of the case, the petitioner along with the victim girl surrendered before the respondent police and he was remanded to judicial custody on 18.07.2020. He would further submit that even as per the statement of the victim girl, there is no allegation of sexual assault by the petitioner and the petitioner has been suffering incarceration from 18.07.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner who is aged 22 years had kidnapped the minor daughter of the defacto complainant. He further submitted that the victim girl

has been secured and her statement has been recorded and that there is no allegation of sexual assault. He would further submit that the medical examination in respect of the victim girl is over and the medical examination on the petitioner has not been completed. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is prepared to co-operate with the respondent for any kind of investigation including medical examination before the appropriate authority and he will abide by any conditions.

6. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration, 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) each, before the learned 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 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 be prepared to subject himself for medical examination before the Government Doctor as and when required by the respondent police.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/08/2020

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,
AMBUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
THIRUPATTUR DISTRICT,

4 THE OFFICER INCHARGE,
SUB JAIL, AMBUR

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

CRL OP.11816/2020

Date :05/08/2020

RVR 11/09/2020