

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11926 of 2020

Rajadurai

... Petitioner

Vs.

State Rep by its

The Sub Inspector of Police,
Thirunavalur Police Station,
Villupuram District.
(Crime No.974 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in crime No.974 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

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 22.06.2020 for the offences punishable under Sections 366(A) of Indian Penal Code, 1860 and Section 5(I), 6, 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.974 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Elumalai is that A1 Suresh had kidnapped his minor daughter and committed penetrative sexual assault on her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of the main accused Suresh. He would submit that the victim and the said Suresh were having love affair and eloped from their house. Since, the respondent were unable to secure them, arrested the petitioner. Later A1 and the victim girl were secured subsequently, the victim girl was handed over to her parents. Other than the fact that the petitioner is the friend of the main accused, he has not played any role in the offence. He would further submit that the petitioner has been in judicial custody from 22.06.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner who is the friend of A1, along with other accused, had kidnapped the minor daughter of the defacto complainant. He would submit that the victim has been secured and her statement under Section 164 Cr.P.C. has been recorded in which, nothing has been stated against the petitioner.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the petitioner is the friend of A1 and considering the period of incarceration undergone 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) each, before the learned Sessions Judge, Magalir Neethimandram (F.T.C. Mahila Court) Villupuram, 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 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/-

06/08/2020

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 SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(F.T.C.MAHILA COURT) VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUNAVAILUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

CRL OP.11926/2020

सत्यमेव जयते Date : 06/08/2020

RVR 14/09/2020

WEB COPY