

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12594 of 2020

Vignesh
S/o Kesavan

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
W14, All Women Police Station,
Thiruvottiyur,
Crime No.04 of 2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No. 04 of 2020 pending investigation on the file of the Respondent police.

For Petitioner : Mr.P.Muthusamy

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 25.07.2020 for the offences punishable under Section 8 of POSCO Act, in Crime No.04 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Lakshmi is that her minor daughter was working at a showroom called Tiruppur Cotton dresses and the petitioner was also working there and he misbehaved with her and based on her daughter's information, the complaint has been given.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and that since the victim girl was having friendship with some other boys, the petitioner had innocently questioned her and for the same, the false complaint has been given against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had misbehaved with the minor daughter of the defacto complainant and he was remanded to judicial custody on 25.07.2020.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner from 25.07.2020, 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 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, out of which, one surety should be a blood surety, before the learned Judicial Magistrate, Thiruvottiur, 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 on his release from prison, shall report before the respondent police everyday 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 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/-

21/08/2020

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,
THIRUVOTTIYUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
W14, ALL WOMEN POLICE STATION,
THIRUVOTTIYUR,

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

CRL OP.12594/2020

Date :21/08/2020

RD 04/09/2020

WEB COPY