

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Crl.O.P.No.13384 of 2020

Tamilarasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Veppankuppam police station,
Vellore District.
Crime No.519/2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.519 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. Ilayaraja Kandasamy

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 21.06.2020 for the offences punishable under Section 366(A) IPC in Crime No.519 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Vasanthakumar is that the petitioner had kidnapped his minor daughter on 19.06.2020. Based on the complaint, case was registered under Section 366(A) IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence. He would submit that even as per the prosecution, the petitioner has not committed sexual assault and on coming to know about the registering of the case, the girl was dropped at the village on the same day.

4.The learned Government Advocate (Crl. Side) would submit that the allegation against the petitioner is that he kidnapped the minor daughter of the defacto complainant in his motor cycle. However, he would submit that there is no allegation of sexual assault on the

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is aged about 19 years and since he was having friendship with the girl a false complaint has been given.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and considering the age of petitioner and also considering the period of incarceration suffered by the petitioner from 21.06.2020, 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 within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate - III, Vellore, 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. 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 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/-

01/09/2020

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

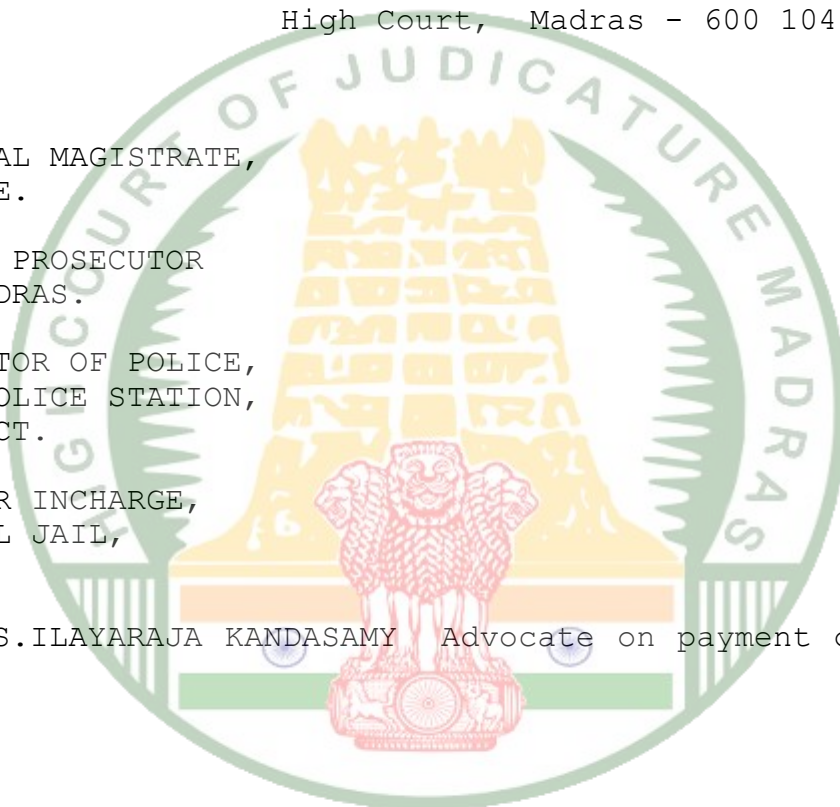
1 THE JUDICIAL MAGISTRATE,
NO.III, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEPPANKUPPAM POLICE STATION,
VELLORE DISTRICT.

4 THE OFFICER INCHARGE,
VELLORE BORSTAL JAIL,
VELLORE.

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



सत्यमेव जयते CRL OP.13384/2020

Date :01/09/2020

RVR 10/09/2020

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