

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

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

Crl.O.P.No.13764 of 2020

Ranjith

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Maduravoyal Police Station,
Maduravoyal,
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1323 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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 21.08.2020 for the offence punishable under Girl Missing @ to Section 366(A) of IPC in Crime No.1323 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Kavitha is that her minor daughter xxx was found missing and she suspected that the petitioner would have abducted her daughter had given a complaint before the respondent police and during the course of investigation, it came to light that the petitioner had abducted her daughter. 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 submit that there was a love affair between the daughter of the defacto complainant and the petitioner. Thereby, the victim girl had eloped from the house of the defacto complainant and joined the petitioner. On finding that the girl was missing, the mother of the victim girl had given complaint to the respondent police and on coming to know about the registration of the case, the

petitioner had produced the girl before the concerned Magistrate where the victim girl had not complained about any sexual assault by the petitioner. He would submit that the case of love affair between two teenagers has been exaggerated as a case of kidnap. He would further submit that the petitioner has been suffering incarceration from 21.08.2020 and prays for grant of bail to the petitioner.

4.The learned Government Advocate (Cr1. Side) would submit that the petitioner had kidnapped the minor daughter of the defacto complainant. He would submit that now the victim girl has been secured. However, she has not complained of any sexual assault by the petitioner and thereby, the statement of the victim girl under Section 164 Cr.P.C. has not been recorded. However, he opposed for grant of bail to the petitioner.

5.Taking into consideration the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration undergone by the petitioner from 21.08.2020, 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**, before the **learned Judicial Magistrate-II, Poonamallee, 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 daily 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.

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

-sd/-

08/09/2020

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.II,
POONAMALLEE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADURAVOYAL POLICE STATION,
MADURAVOYAL, CHENNAI.

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

CRL OP.13764/2020

Date :08/09/2020