

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

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

CRL.O.P.No.14730 of 2020

N.Ranjthkumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Mohanur Police Station,
Namakkal District.
(Crime No.759 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case in Crime No.759 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Vasudevan

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 02.09.2020 for the offences punishable under **Section 366 IPC, in Crime No.759 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz. Manjunathan is that the petitioner had kidnapped the minor daughter of the defacto complainant, when they were away from the home.

3. The learned counsel appearing on behalf of the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner and the defacto complainant are known to each other and they belong to same village. He would further submit that the petitioner and the daughter of the defacto complainant are friends. When the petitioner had given a lift to the daughter of the defacto complainant in his motor cycle, somebody in the village has wrongly passed an information to the defacto complainant that he had kidnapped his daughter, thereby, the

respondent police has arrested the petitioner. He would further submit that even during the enquiry, the victim has stated that they have only gone in the bike and other than that she has not stated that the petitioner has assaulted or harassed the victim girl. He would further submit that both of them are belonging to the same community. Thereafter, on hearing the statement of his daughter, the defacto complainant was ready to withdraw the complaint lodged against the petitioner. In fact, the defacto complainant appeared before the Sessions Court and also represented before the Court that the matter is likely to be compromised whereas the learned Sessions Judge dismissed the application.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had kidnapped the minor daughter of the defacto complainant. He would further submit that the victim girl was secured on the same day and sent to the custody of the defacto complainant. He would further submit that the victim has not stated anything against the petitioner that he has harassed her or committed any sexual assault on her.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration of 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 petitioners have been confined;

(b) Thereafter, the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Namakkal, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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, as and when required.

(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/-

21/09/2020

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.2, NAMAKKAL

2 THE SUPERINTENDENT, CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION, NAMAKKAL DISTRICT

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

CRL OP.14730/2020

Date :21/09/2020

GKS:24/09/2020