

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18916of 2020

Vijay

... Petitioner

Vs.

The State rep. By
The Inspector of Police
Pullampatti Police Station
Erode District
Crime No.627 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.627 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.10.2020, for the alleged offences under Section 366 (A) IPC and Sec. 5(1) and 6 of Protection of Children from Sexual Offences Act 2012, Sec.9 of Protection of Child Marriage Act 2006, in Crime No.627 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl and A1's sister were studied together and thereby, A1 got introduced with the victim girl and thereafter, both the victim girl and A1 were in love with each other. On the date of occurrence, A1 came in a motor cycle and kidnapped the victim girl, who is aged 17 years and tied thali and had physical relationship with her. The allegation against the petitioner is that he had given accommodation to A1 and the victim girl to stay.

3. The learned counsel for the petitioner would submit

that the petitioner is innocent and he has been falsely implicated

in this case. He would further submit that the petitioner is in custody from 13.10.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that now the victim girl is in the custody of the mother and the statement recorded under Section 164 of Cr.P.C from the victim girl is not supported and also medical examination is over. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also 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 his executing a 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 Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Erode** and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
02/12/2020

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 NEETHI MANDRAM (FAST TRACK MAHILA COURT),
ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PULIAMPATTI POLICE STATION,
ERODE DISTRICT.

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

CRL OP.18916/2020

Date : 02/12/2020

MN-03/12/2020

WEB COPY