

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19107 of 2020

Dharuman

.. Petitioner

Vs.

The State rep. By
The Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District
Crime No.781 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.781 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.V.Sakkarapani

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 24.10.2020, for the alleged offence under Section 366(A) IPC subsequently altered to 366A of IPC r/w Sec. 5(1), 5(q), 6, 16, 17 of POCSO Act 2012 and Section 9 of Child Marriage Act 2006, in Crime No.781 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant is an Auto driver and his daughter, namely Suvedha, who is aged 17 years has completed 12th standard and had been waiting for her result. Meanwhile, on 09.04.2020, at about 7.00 p.m, A1, namely Manivel along with his friends including the petitioner had kidnapped the minor victim girl in a two wheeler and had committed penetrative assault on her and now, the victim got 5 months pregnancy. The allegation against the petitioner is that he had given shelter to the victim girl and A1.

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 24.10.2020 and hence, he prays to grant bail to the

4. The learned Government Advocate (Crl. Side) appearing for the respondent 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 Fast Track Mahila Court, Dharmapuri**, 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/-
04/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
ADHIYAMAN KOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

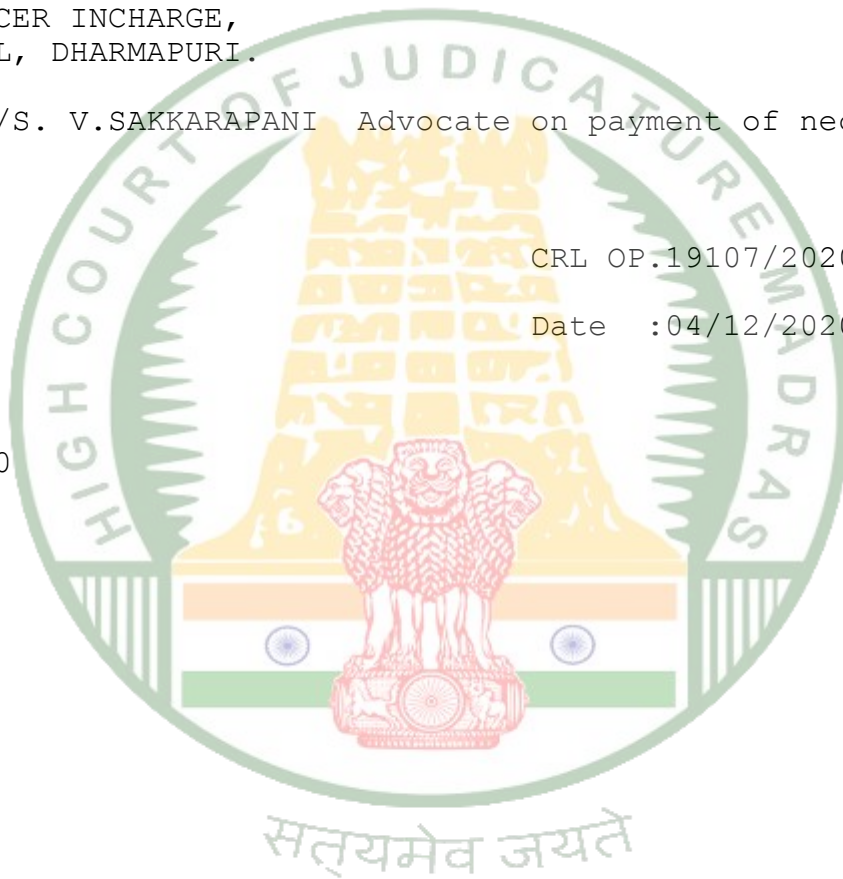
4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

CC to M/S. V.SAKKARAPANI Advocate on payment of necessary
charges

CRL OP.19107/2020

Date :04/12/2020

MN-08/12/2020



WEB COPY