

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.No.19117 of 2020

K.Karthikeyan

... Petitioner

Vs.

State Represented by
The Sub Inspector of Police,
Mettur Police Station,
Salem District.
(Crime No.539 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.539 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sarathkumar

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 21.09.2020 for the offences punishable under Section 8(b) of Immoral Traffic (Prevention) Act, 1956 and Sections 420, 387 & 506(i) of IPC in Crime No.539 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Vasanthakumar is that he saw an advertisement in a LOCANTO application stating that they would supply girls for prostitution and two mobile numbers were given in the advertisement. When the de facto complainant had contacted the mobile number, he was asked to come to a particular place and when the de facto complainant had gone there, the petitioner robbed a sum of Rs.4,000/- from him and threatened him not to disclose to anybody. Based on the complaint given by the de facto complaint, the petitioner was arrested on 21.09.2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that there was enmity between the de facto complainant and the petitioner and that the de facto complainant had also sent threatening calls to two banks and also given the number of the petitioner in the

threatening calls and now a false complaint has been given against the petitioner. He would submit that the petitioner is in custody from 21.09.2020 and he has no bad antecedent. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner had posted advertisement in LOCANTO application stating that he has got call girls, based on the advertisement, the de facto complainant met the petitioner and at that time, the petitioner had threatened him and robbed a sum of Rs.4,000/- and threatened to not to disclose to anybody. He would submit that the investigation is pending in this case.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered 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 condition to execute 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 Judicial Magistrate-I, Mettur and on further conditions that;

(b) 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;

(c) the petitioner shall report before the respondent police every day at 10.30.a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-

09/12/2020

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 JUDICIAL MAGISTRATE,
NO.I, METTUR

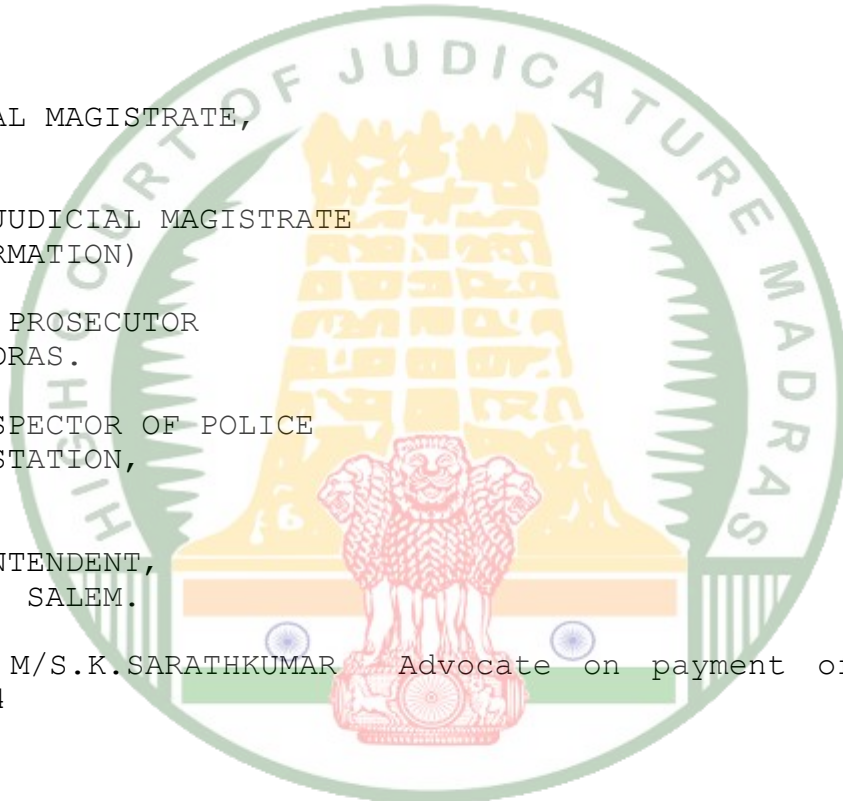
2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
METTUR POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.K.SARATHKUMAR Advocate on payment of necessary charges Sr.8044



सत्यमेव जयते CRL OP.19117/2020

Date :09/12/2020

RVR 10/12/2020

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