

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

Crl.O.P.No.20322 of 2020

Teekaraman @ Kumar

... Petitioner

Vs.

The State by Inspector of Police
Polur Police Station,
Tiruvannamalai District.
(Crime No.1608 of 2020)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.1608 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Saravanan

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 20.11.2020 for the offence punishable under Section 366(A) and 376 of IPC and Sections 6 and 8 of POCSO Act, 2012 in Crime No.1608 of 2020, seeks bail.

2.The case of the prosecution as per the de facto complainant viz. Suresh is that his elder minor daughter was studying 11th std and she was found missing from the house from 11.06.2020. The defacto complainant suspected that one Selvakumar along with his friends would have kidnapped his daughter, thereby, he gave a complaint before the respondent police and based on the complaint, a case was registered for the offence under Sections 366(A) and 376 of IPC and during the course of investigation, it came to light that the main accused Selvakumar with the help of his friends kidnapped his minor daughter and had committed sexual assault on her.

3.The learned counsel appearing 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 specific overt act against the petitioner is that he is the friend of A1 / Selvakumar

and the petitioner had assisted A1 in kidnapping the victim girl. Since the respondent police suspected that the petitioner is also a friend of the main accused Selvakumar, he has been roped unnecessarily in this case. He would further submit that his name does not find place in the f.I.R. and he was implicated based on the confession of the arrested accused Selvakumar. He would further submit that the main accused Selvakumar / A1 has been arrested and enlarged on bail by this Court vide order dated 05.08.2020 in CrI.O.P.No.11772 of 2020. He would further submit that the only allegation against the petitioner is that he had assisted the main accused Selvakumar in kidnapping the victim girl and other than that, there is no allegation of any sexual assault by the petitioner on the victim girl.

4.The learned Government Advocate (CrI. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is the friend of one Selvakumar. The said Selvakumar is the main accused in this case, who had kidnapped the minor daughter of the defacto complainant and committed penetrative sexual assault. He would further submit that the main accused Selvakumar has been granted bail by this Court vide order dated 05.08.2020 in CrI.O.P.No.11772 of 2020.

5.Heard the learned counsel on either side. Perused materials placed on record.

6.Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the fact that the petitioner has only helped the main accused to kidnap the victim girl, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, 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 on his release from prison, shall report before the respondent police everyday at 10.30 a.m. for a period of three weeks and thereafter on every Monday 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.

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

-sd/-
18/12/2020

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 SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S. A.SARAVANAN Advocate on payment of necessary charges
SR.No.8422

CRL OP.20322/2020

Date :18/12/2020