

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

Crl.O.P.No.20859 of 2020

1.Karthik @ Karthi
2.Padma @ Padmavathi

... Petitioners

- Vs. -

The State rep. By
The Inspector of Police,
All Women Police Station,
Tiruvannamalai
Tiruvannamalai District.
(Crime No.28 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail in connection with the Crime No.28 of 2020 pending investigation on the file of the respondent.

For petitioners: Mr.R.Balakrishnan

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.11.2020 for the offences punishable under Sections 363, 366(A), 376 (2)(n), 506(i) of IPC and Section 3 (a), r/w 4, 5 (1) r/w 6, 4 & 6 r/w 17 of POCSO Act 2012 in Crime No.28 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 17.06.2020 at about 14 hours the 1st accused kidnapped the victim/defacto complainant. Against which the defacto complainant lodged the complaint before the respondent police on 07.11.2020 and the same was registered in Crime No.28 of 2020.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On the basis of the confession statement given by the victim girl, the petitioners were arrested by the respondent police. The main allegation against the petitioners is that they threatened the victim girl, not to give complaint before

the respondent police. No other specific allegations were attributed against the petitioners herein. Further they are in jail since 08.11.2020. Therefore, he pleaded to allow the petitioners on bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners along with other persons forced the victim girl to marry the 1st accused. But the victim girl being a minor, and also not willing to marry the 1st accused, denied the wishes of the accused persons. There are totally 8 accused persons. He further submitted that some of the co-accused persons are still absconding and investigation is pending. Therefore he vehemently opposed to grant bail to the petitioners.

5.Overall consideration of the facts, the nature of accusation, the nature of offence, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioners in the judicial custody, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) Accordingly, the petitioners are ordered to be released on bail on condition, that each of them to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Sessions Judge (FAC), 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 petitioners on their release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

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

(f) the petitioners 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 petitioners 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/-
30/12/2020

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 (FAC)
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,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE.

+1 CC to M/S. R. BALAKRISHNAN Advocate on payment of necessary charges SR NO. 8768

WEB COPY

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Date : 30/12/2020

MN-30/12/2020