

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2779 of 2021

C.Babu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
(Crime No.2707 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in respect of Crime No.2707 of 2020 on the file of the Inspector of Police, Kalambur Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B. Viswanathan

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 28.11.2020 for the offence punishable under Sections 363 and 366-A of IPC and Section 5(1) r/w. 6 of POCSO Act 2012 and Section 9 of the Prohibition of Child Marriage Act 2006 in Crime No.2707 of 2020, seeks bail.

2. Totally, there are 4 accused and the petitioner is arrayed as A3. The case of the prosecution is that A1 in this case said to have kidnapped the minor girl and married her. Hence, a complaint came to be registered. The allegation against the petitioner is that he has given shelter to A1 and the victim girl.

3. The learned counsel for the petitioner would submit that the petitioner is the friend of A1 and the only allegation as against this petitioner is that he has given shelter to A1 and the victim girl. He is in jail for nearly 3 months. He would further submit that co-accused in this case has already been released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the main allegation is only against A1. This petitioner is only friend of A1 and said to have given shelter to A1 and the victim. Co-accused in this case has already been released on bail. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and there is no serious allegation as against this petitioner and the petitioner, who is friend of A1 said to have given shelter to A1 and the victim and the fact that co-accused has already been released on bail, 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, Arani, Thiruvannamalai District, 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 as and when required for interrogation.

(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 petitioners 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/-
25/02/2021

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,
ARANI, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, POLUR.

+1 CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.2297

CRL OP.2779/2021

Date :25/02/2021

TA-26/02/2021

WEB COPY