

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.487 of 2021

Ramar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Veppur Police Station,
Cuddalore District.
(Crime No.1248 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.1248 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.M.Selvam

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.12.2020 for the alleged offence under Section 366 (A) of IPC Section 3 r/w 4 and 17 of POCSO Act, 2002 in Crime No.1248 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that there are four accused in this case and the petitioner is A4. The allegation is that A1 in this case had love affair with the victim girl, aged 17 years, sexually assaulted her and subsequently, kidnapped her with the help of the other accused for getting marriage. Based on the complaint given by the mother of the victim, the case was registered.

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 submit that the petitioner is the relative of A1 and there is no serious allegation against the petitioner. He would submit that A2 in this case has been granted anticipatory bail and that the petitioner was arrested on 17.12.2020 and he is custody for more than 30 days and hence, he

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner, who is the close relative of A1, abetted A1 to commit the alleged offence and that A1 is still absconding.

5. Considering the facts and submissions made by the learned counsels and the fact that the main allegation is only against the first accused and that the victim girl was secured, 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, Viruthachalam 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, on his release from prison, 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/-
18/01/2021

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 NO.I,
VIRUTHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S.M.SELVAM Advocate on payment of necessary
charges SR NO.448

CRL OP.487/2021

Date :18/01/2021

MK:19/01/2021

WEB COPY