

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1718 of 2021

Perumal

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Pachal Police Station,
Thiruvannamalai District.
(Crime No.1965 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.1965 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.R. Narayanan

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 Sections 366(A) of I.P.C and Sections 5(1) and 6 of POSCO Act 2012 and Section 9 of Prohibition of Child Marriage Act 2006 in Crime No.1965 of 2020, seeks bail.

2. The case of the prosecution is that there are totally 4 accused in this case and the petitioner herein is arrayed as A1 in this case. It is alleged that the petitioner along with other accused kidnapped a girl. Based on the complaint given by the father of the victim girl, the case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner has only provided shelter to the victim girl who is in love with one Chandru(A1). He would further submit that the petitioner is in judicial custody for more than 40 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused kidnapped a girl. Hence, she vehemently opposed grant of bail to the petitioner.

5. Considering the facts of the case the main accused is A1 and this petitioner has provided only shelter to the victim girl 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 Special Court for Exclusive Trial of cases under POSCO Act, Thiruvannamalai 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 for a period of two weeks and thereafter, 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 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/-

04/02/2021

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 EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THIRUVANNAMALAI

2 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.R.NARAYANAN Advocate on payment of necessary charges

CRL OP.1718/2021

Date :04/02/2021

RVR 05/02/2021



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