

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2547 of 2021

Senthil @ Senthilkumr

... Petitioner

Vs

The State Rep. by  
The Inspector of Police,  
Veppadai Station,  
Namakkal District.  
(Crime No.184 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.184 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M. Dinesh

For Respondent : Mrs.M. Prabhavathi,  
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 13.11.2020 for the offence punishable under Sections 363 of IPC, 9 of Prohibition of Child Marriage Act, 5(1) r/w. 6 of POCSO Act, 2012, 3(2)(v) of SC/ST (Prevention of Atrocities Act) in Crime No.184 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner said to have kidnapped the victim girl, who is aged about 17 years, married her and committed sexual assault on her.

3. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution. The petitioner was arrested and remanded to judicial custody on 13.11.2020. Despite the lapse of statutory period of 90 days in the case, the respondent so far not filed the final report. In the said circumstances, the petitioner is entitled for statutory bail under Section 167(2) Cr.P.C. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that now, investigation is almost completed and final report is yet to be filed. She would further submit that the victim girl was secured. On instruction, she would further submit that, now the victim girl is missing and eloped with some other person.

5. Considering the said facts and circumstances and the fact that the respondent has not filed the final report in the case despite the lapse of statutory period, this Court is left with no other option except to grant bail. Hence, this Court is inclined to grant bail to the petitioner in both the petitions 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, Kumarapalayam, 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 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/-

15/02/2021

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,  
KUMARAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VEPPADAI STATION,  
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

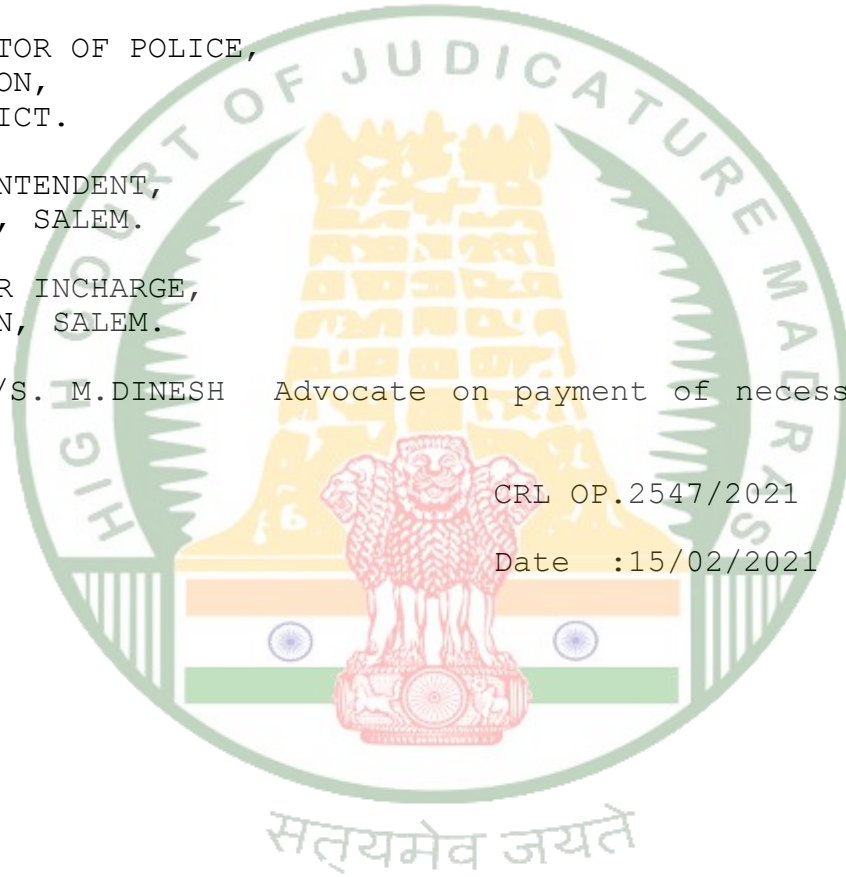
6 THE OFFICER INCHARGE,  
DISTRICT PRISON, SALEM.

CC to M/S. M.DINESH Advocate on payment of necessary charges  
SR.1600

CRL OP.2547/2021

Date :15/02/2021

RVR 16/02/2021



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