

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM :

THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3340 of 2021

Mahendiran

Petitioner

/vs/

The State, rep. By
The Inspector of Police, (crime)
Kalambur Police Station,
Thiruvannamalai District.
Cr.No.2707 of 2020

Respondent

PRAYER: Criminal Original Petition is filed under Section 439 Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.2707 of 2020 pending investigation on the file of the respondent.

For petitioners: Mr. R. Venkat

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 15.12.2021 under Sections 363, 366(A) of IPC and Section 5(1) and 6 of POSCO act 2012 and Section 9 of Prohibition of child marriage Act 2006 in Cr.No.2707 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner assisted A1 to kidnap the victim girl. It is alleged that A1 who is the main accused in this case have sexually assaulted the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner has only provided shelter to the A1 who is in love with the victim girl. He would further submit that the petitioner is in judicial custody for more than 60 days. Hence, he prays to grant bail to the

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused kidnapped a girl. She would further submit that co-accused in this case have already granted bail. However, 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 A1 and also considering the period of incarceration suffered by the petitioner and the co-accused in this case has already granted bail, 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 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/-
19/02/2021

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 SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE OFFICER INCHARGE,
SUB JAIL, VANDAVASI.

+1 CC to M/S.VENKAT Advocate on payment of necessary charges
SR NO. 1930

सत्यमेव जयते

WEB COPY CRL OP.3340/2021
Date :19/02/2021

MN-22/02/2021