

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5050 of 2021

Perumal

... Petitioner

Vs.

State rep by

... Respondent

Inspector of Police,
Pagandai Kuttu Road Police Station,
Villupuram.

Cr.No.42 of 2021

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in in connection with Crime No.42 of 2021, on the file of the respondent.

For Petitioner : Mr.J.C. Durai Raj

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 03.02.2021 for the offence punishable under Sections 366-A of IPC in Crime No.42 of 2021, seeks bail.

2. Totally there are four accused in this case and the petitioner is A4, who is the paternal uncle to A1. The case of the prosecution is that on 05.01.2021, A1 in this case said to have kidnapped the minor girl. Hence the complaint.

3. The learned counsel for the petitioner would submit that A1 and the victim girl loved each other and the victim girl said to have eloped with A1, now the whereabouts of the victim girl is not known to the respondent, the petitioner who is a paternal uncle of A1 has been falsely implicated in this case. He was arrested on 03.02.2021 and 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 even though the main allegation is only against A1 and no specific overtact is attributed against him, the victim girl is yet to be secured and the Habeas Corpus petition filed by the father of the victim is pending before this Court. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that even though the victim is yet to be rescued, this petitioner is only the paternal uncle of A1 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 learned Judicial Magistrate, Sankarapuram 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 appear before the respondent police daily 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/-
22/03/2021

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,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PAGANDAI KUTTU ROAD POLICE STATION,
VILLUPURAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.J.C.DURAIRAJ Advocate on payment of necessary charges SR.NO.3803

CRL OP.5050/2021

Date :22/03/2021

TA-23/03/2021

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