

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5589 of 2021

1. Malarkodi
2. Rajkumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District
(Crime No.2193 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2193 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr.R. Ravichandran

For Respondent : Mrs.M. Prabhavathi,

Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 26.01.2021 for the offence punishable under Sections 366-A of I.P.C in Crime No.2193 of 2020, seeks bail.

2. Totally, there are three accused in this case and the petitioners herein are A2 and A3, who are mother and brother of A1 respectively. The case of the prosecution is that A1 was in love with a minor girl and he kidnapped the victim girl for the purpose of getting married. Based on the complaint given by the grand father of the victim girl, the case came to be registered.

3. The learned counsel for the petitioners would submit that the A1 and the victim girl are studying in the same college and they loved each other and the victim girl eloped with A1 and that the whereabouts of A1 was not known to the respondent, as the victim girl was not rescued, the respondent police have falsely implicated these petitioners in this case. He would further submit that the petitioners are in jail for more than 50 days. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the mother and brother of A1 respectively, who had kidnapped the victim girl and as the victim girl is yet to be rescued. hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstance of the case, even though the victim girl is yet to be rescued, these petitioners are only mother and brother of A1 and the main allegation is only against A1 and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Virudhachalam 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 petitioners, on their release from prison, shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 NO.I,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
CUDDALORE.

6 THE SUPERINTENDENT,
CENTRAL PRISON FOR MEN,
CUDDALORE.

+1 CC to M/S.R.RAVICHANDRAN Advocate on payment of necessary
charges SR NO. 3814

CRL OP.5589/2021

Date :22/03/2021

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MN-23/03/2021

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