

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6741 of 2021

1. C.Azhagesan
2. P.Murugan

... Petitioners

Vs.

State Rep by
The Inspector of Police,
Pagandai Kuttu Road Police Station,
Villupuram.
(Crime No.42 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release on bail in Crime No.42 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Karthik

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 03.02.2021 and remanded to judicial custody for the offences under Sections 366 (A) of IPC in Cr.No.42 of 2021 on the file of the respondent police, seek bail.

2. Totally there are four accused in this case and the petitioners herein are A2 and A3. The first petitioner is the father of A1 and the second petitioner 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 submits that A1 and the victim girl loved each other and the victim girl said to have eloped with A1, and the first and second petitioners herein are only the father and paternal uncle of A1 respectively, they have been implicated in this case and they been arrested on 03.02.2021 and in judicial custody for more than 60 days. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that these petitioners assisted A1 to abduct the victim girl. She would further submit that this Court had already granted bail to the A4/co-accused in CrI.O.P.No.5050 of 2021 on 22.03.2021. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and A1 is the main accused in this case and the first and second petitioners herein are only the father and paternal uncle of A1 respectively and also considering the period of incarceration suffered by the petitioner and this Court had already granted bail to A4/co-accused, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarapuram and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/04/2021

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

CC to M/S.M.KARTHIK Advocate on payment of necessary charges
SR.NO.4986

CRL OP.6741/2021

Date :17/04/2021

rvr 19/04/2021

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