

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6923 of 2021

M.Gopi

... Petitioner

Vs.

State by Rep by

The Sub Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
(Crime No.3288 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.3288/2020 pending on the file of the respondent.

For Petitioner : Mr.M.Mohamed Riyas

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 16.02.2021 and remanded to judicial custody for the offences under Section 366-A r/w 109 IPC in Cr.No.3288 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1/Suman in this case is said to have abducted the victim girl and married her and abused her sexually. Sofar as this petitioner is concerned he is the friend of A1, he has been implicated in this case, based on the complaint given by the mother of the victim girl, the case came to be registered.

3. The learned counsel for the petitioner submits that the main allegation is only against A1 and the petitioner herein is only friend of A1 and he is in no way connected with the offence and that the petitioner has been in jail from 16.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner assisted the said Suman/A1 to abduct the victim girl. She would further submit that investigation is almost completed and the victim girl has been rescued and statements u/s 164 of Cr.P.C has been recorded from the victim girl.

5. Taking into consideration the fact that no specific overt act has been attributed as against the petitioner and A1 is the main accused in this case and the victim girl has been rescued and statements u/s 164 of Cr.P.C has been recorded from the victim girl 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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, Cheyyar 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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/-
15/04/2021

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary charges SR NO.4745

CRL OP.6923/2021

Date :15/04/2021

MK:16/04/2021

WEB COPY