

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7945 of 2021

Rajammal

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
All Women Police Station,
Mettur, Salem

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.5 of 2021 on the file of the respondent.

For Petitioner : Mr. S. Satheesh Kumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 27.02.2021 and remanded to judicial custody for the offences under Sections 366 and 109 of I.P.C in Cr.No.5 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are six accused in this case and the petitioner is A4. The case of the prosecution is that A1 loved the minor victim girl, due to which, the petitioner along with other accused said to have kidnapped the minor victim girl. Based on the complainant given by the mother of the victim girl the case came to be registered.

3. The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and she has been falsely implicated in this case and the petitioner has been in jail from 27.02.2021. 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 the petitioner along with other accused said to have kidnapped the minor victim girl. She further submits that the minor victim girl has not yet rescued and the investigation is almost completed.

5. Taking into consideration the fact that the investigation

is almost completed and also considering the period of incarceration suffered by the petitioner and also considering the fact that the petitioner is only a relative of the victim girl and the main allegation is against A1, 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 No.II, Mettur 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/-
28/04/2021

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 NO.II,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.S.SATHEESHKUMAR Advocate on payment of necessary
charges

CRL OP.7945/2021

Date :28/04/2021

MK:29/04/2021