

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.No.8515 of 2021

1.Naryana Shetty
2.Saraswathi
3.Ramachandiran
4.Manikandan

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Berigai Police Station,
Krishnagir District.
(Crime NO.28 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioners pending investigation in Crime No.28 of 2021 on the file of the respondent Police.

For Petitioners : Mr.M.Jayachandran
For Respondent : Mr.L.Charles Premkumar
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioners are in custody since 01.03.2021 for the offence under Sections 366, 302 IPC @ Section 302, 364 IPC.

3.The case of the prosecution is that the deceased was in love with minor daughter of A1 and A2 and that he continued the relationship even after he was pulled up by the petitioners herein.

4. The learned counsel appearing for the petitioners would submit that the daughter of the petitioners 1 and 2, is aged about 16 years and that it is a case of sexual harassment and not love.

5. Be that as it may, in view of the fact that the petitioner is in incarceration since 01.03.2021 and the investigation has progressed substantially, I am of the view that granting of bail will not prejudice the case of the prosecution and hence, 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 No.1, Hosur 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 not commit any offences of similar nature; (d) the petitioner shall not abscond either during investigation or trial;

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

(f) 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];

(i) 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/-
06/05/2021

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
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
BERIGAI POLICE STATION, KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

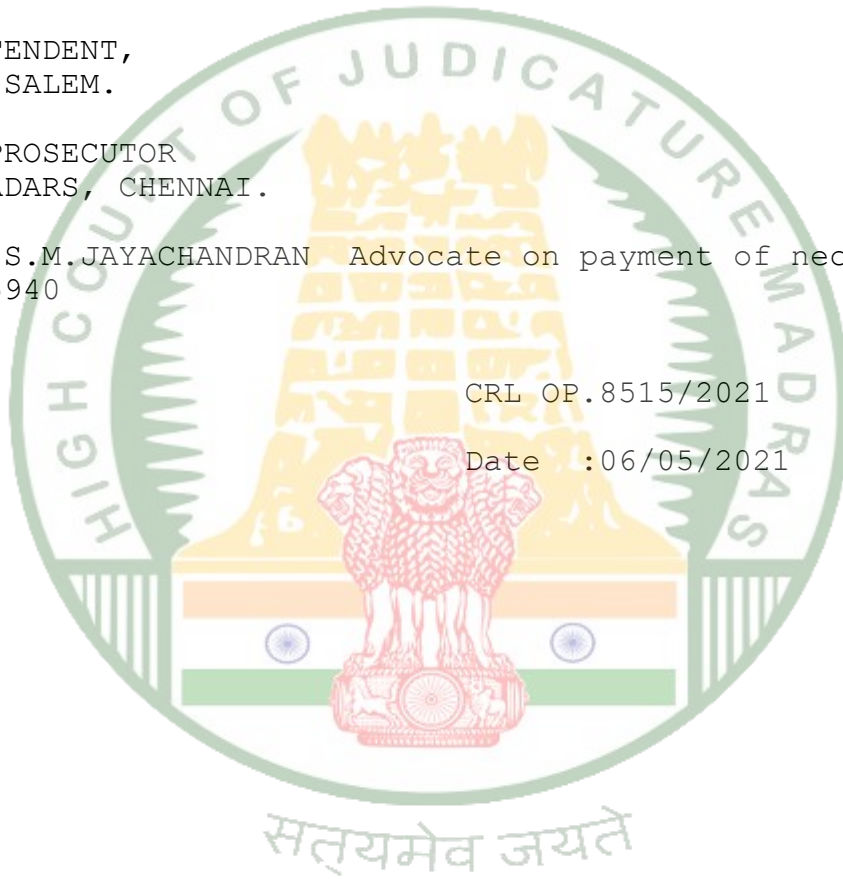
5 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary
charges SR.No. 5940

CRL OP.8515/2021

Date :06/05/2021

rg.07.05.2021



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