

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.No.8730 of 2021

1. Yuvaraj
2. Ayyappan
3. Arulkumar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
(Crime No.284 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.284 of 2021 pending on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioners are in custody since 31.03.2021 for the offence under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) of IPC and 11 r/w 12 of POCSO Act in Crime No.284 of 2021.

3. The case of the prosecution is that the de facto complainant's daughter was being sexually harassed by the third accused, when that was questioned, the occurrence had taken place. The case of the petitioners is that it is not a case of harassment, but love affair. It is also stated that counter complaint in Crime No.285 of 2021 has been given. The petitioners' counsel gives an undertaking that the petitioners will totally keep away from the de facto complainant and his daughter.

4. Recording the aforesaid undertaking, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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, Rasipuram, 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 shall not commit any offences of similar nature;

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

(e) the petitioners 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 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];

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

5. 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,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
NAMAGIRIPETTAI POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

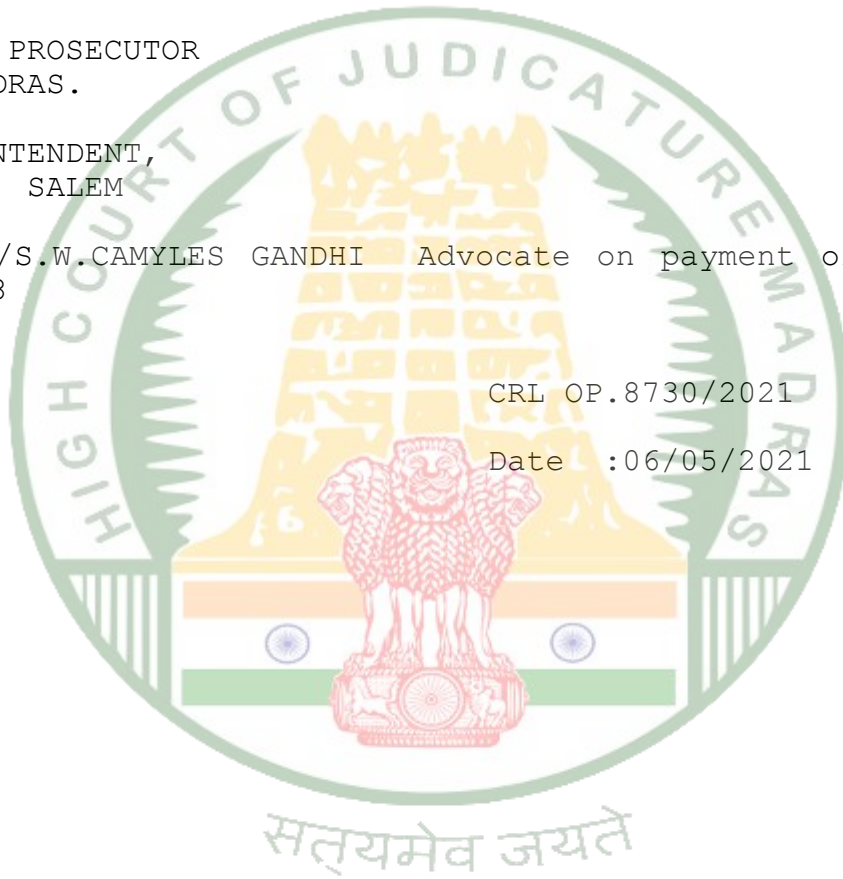
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges Sr.5898

CRL OP.8730/2021

Date :06/05/2021

RVR 07/05/2021



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