

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.9281 of 2021

A.Chitra

... Petitioner

vs.

State rep. By the Inspector of Police,
Pallapatti Police Station,
Salem.

(Crime No. 1419 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. 1419 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Deepika

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI. Side)

ORDER

(Through video conference)

The petitioner who was arrested on 13.03.2021 and remanded to judicial custody for the offences under Section 366 of I.P.C in Crime No. 1419 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.12.2020 the defacto complainant's sister's daughter who was aged about 17 years was found missing in Salem New Bus Stand and based on the complaint given by the defacto complainant, a case was registered under Section "Girl Missing" and on investigation, the respondent police found that the petitioner and another accused (A1) had kidnapped the victim minor girl and thereafter, the case was altered one under Section 366 IPC. Hence the case.

3.The learned counsel for the petitioner submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 13.03.2021. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that in this case there are totally 2 accused and the petitioner is A2 who is the mother of A1 and A1 is still absconding and would submit that the missing minor girl was not yet secured and the case is still under investigation.

5.Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Salem in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a own bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Salem failing which, the petition for anticipatory bail granted by this Court shall stand dismissed. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Magistrate concerned.

(c)After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. He shall not interfere, influence or cause hindrance to the pending investigation.

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

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-

26/05/2021

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,
ADDITIONAL MAHILA COURT, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLAPATTI POLICE STATION,
SALEM.

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

CRL OP.9281/2021

Date :26/05/2021