

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.9534 of 2021

Dharmaraja

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Dharmapuri District.
Crime No.5 of 2021.

... 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.5 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Prasad

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. side)

ORDER

The petitioner who was arrested on 12.04.2021 and remanded to judicial custody for the offences under Sections 3 (a), 4 of POSCO Act in Cr.No.5 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had expressed his love towards the defacto complainant's elder daughter and had sexual intercourse with her. Therefore, the defacto complainant lodged a complaint before the respondent police.

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 12.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the investigation had been completed and the charge sheet is laid before the learned Magistrate.

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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the District Prison, Dharmapuri 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 bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Fast Track Mahila Judge, Dharmapuri. 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 Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Fast Track Mahila Judge, Dharmapuri.

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

(d) He/she shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

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

(f) 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;

(g)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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE OFFICER INCHARGE
DISTRICT PRISON, DHARMAPURI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI,
DHARMAPURI DISTRICT.

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

CRL OP.9534/2021

cs 28/05/2021

Date :26/05/2021

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