

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.9779 of 2021

S.Ajithkumar

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.122 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge on bail in FIR No.122/2021 on the file of the Respondent Police.

For Petitioner : Mr. C.Palanisamy

For Respondent : Mr. E.Raj Thilak
Government of Tamil Nadu (CrI side)

ORDER

The petitioner who was arrested on 30.03.2021 and remanded to judicial custody for the offences under Sections 363, 366 IPC and Section 5(I) r/w. 6 of POCSO Act - 2012 and Section 9 of Child marriage Act 2006 in Cr.No.122 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused had kidnapped and committed sexual assault on the minor victim girl. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 30.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned counsel appearing for Government of Tamil Nadu (CrI.Side) states that investigation is pending and the statement of the witnesses is yet to be recorded.

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 Jail, 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 Court, 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 Court, Dharmapuri.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner 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/-
03/06/2021

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 SUPERINTENDENT OF THE DISTRICT JAIL,
DHARMAPURI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

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

CRL OP.9779/2021

सत्यमेव जयते Date :03/06/2021

MK:04/06/2021

WEB COPY