

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9993 of 2021

V.Thangaraj

... Petitioner

Versus

The State rep. By
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
Crime No.242 of 2021.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in respect of Crime No.242 of 2021 on the file of Polur Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.E.Raj Thilak,
Counsel for Government(Crl.Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 07.05.2021 for the offences under Sections 363, 366(A), 294(b) and 506(i) of the Indian Penal Code in Crime No.242 of 2021 on the file of the respondent police, seeks bail.

2. The gist of this case is that the defacto complainant had married one Paunu in the year 2004 and had two children. The defacto complainant is a mason and as usual on 15.04.2021, he went for work and after returning from work to home, he found that his wife and two children were not in the house. When he attempted to contact his wife, her mobile phone was switched off. Later, he found that 20 sovereigns of jewels and cash worth about 25,000/- was missing. On enquiry, he came to know that the petitioner had kidnapped his wife and children and hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The defacto complainant is an alcoholic addict and unable to bear his torture, the petitioner helped the defacto complaint and her children to go to her cousin's home at Bangalore. The petitioner had remanded to judicial custody on 07.05.2021 and he has already suffered incarceration

for more than 30 days. The learned counsel further submitted that this Court may consider releasing the petitioner on bail by imposing certain conditions.

4. The learned counsel for Government (Criminal Side) on instructions would submit that the petitioner is aged about 21 years and the said paunu is aged about 31 years. The petitioner seems to have developed some relationship with the lady and had taken the lady and children to Bangalore. The respondent police had secured them from Bangalore. The learned counsel further submitted that the investigation has been completed and charge sheet was also filed before the concerned Magistrate Court and hence, he opposed to grant bail to this petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is under judicial custody from 07.05.2021, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned

Magistrate within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) On release, the petitioner shall report before the respondent police, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) 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.

08.06.2021

Index: Yes/No
Internet: Yes/No

rka

To

1. The learned Judicial Magistrate ,
Polur.
2. Central Prison, Vellore.
3. The Inspector of Police, सत्यमेव जयते
Polur Police Station,
Thiruvannamalai District.
4. The Additional Public Prosecutor,
High Court of Madras.

CRL.O.P.No.9993 of 2021

M.NIRMAL KUMAR, J.

rka



CRL.O.P.No.9993 of 2021

WEB COPY 08.06.2021