



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13873 of 2021

WEB COPY

Vivek @ Vivekanandan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
All Women Police Station,
Dharmapuri.
Crime No. 2 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No. 2 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Selvakumar

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

ORDER

The petitioner, who was arrested on 22.05.2021 and remanded to judicial custody for the offences under Section 363 of IPC and subsequently added provisions in Section 5(1) r/w Section 6 of the POCSO Act 2012 in Cr.No.2 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim girl and she lodged a complaint before the respondent Police alleging that her daughter was found missing on 02.03.2021 and suspecting that she would be kidnapped by the petitioner, lodged a police complaint before the respondent Police. Hence, the petitioner was arrested and remanded to judicial custody by the law enforcing agency.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and he further submits that the petitioner and the daughter of the defacto complainant had love affair with the petitioner and left home on her own volition. Therefore, he has not committed any offence as alleged by the prosecution and prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that there was a love affair between the petitioner and the daughter of defacto complainant and there is no previous case against the petitioner and the investigation is pending.

5. This Court is of the view that on perusal of the 164 statement, it was stated that she went along with the petitioner on her own volition and there is no serious allegation levelled against the petitioner and further 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;



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

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-sd/-
17/08/2021

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 SESSION JUDGE,
FAST TRACK MAHILA COURT, DHARMAPURI.

2 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SELVAKUMAR Advocate on payment of necessary charges SR.NO.8634

CRL OP.13873/2021

Date :17/08/2021

INBA 18/08/2021