



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13681 of 2021

Gowtham

... Petitioner

Vs.

State rep by,
Inspector of Police,
Melpatti Police Station,
Vellore District.
(Crime No.79 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail pending investigation in Crime No.79 of 2021 on the file of the respondent.

For Petitioner : Mr.T.Muruganantham

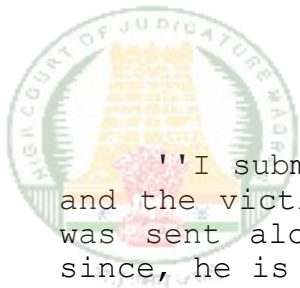
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.06.2021 for the offences under Section 363, 366-A of IPC and subsequently the section was altered into 363, 366-A of IPC and subsection 5(a)(i) r/w Section 6 of POSCO Act, in Crime No.79 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioner has been in jail from 25.06.2021. He further submits that there was a love affair between the petitioner and the victim girl. He further submits that the parents of victim girl has refused the marriage between them. He further submits that the petitioner's father has filed an affidavit of undertaking stating that the victim girl is a minor now and the petitioner will marry the victim girl after she attains the age of major. Hence, he prays for grant of bail to the petitioner. The affidavit of undertaking as follows:-



'I submit tht on coming to know about the case, both petitioner and the victim girl appeared before the respondent . The victim girl was sent along with her parents and my son was sent to jail ever since, he is in prison.

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I submit that I and my family are ready and willing to arrange for the marriage of my son Gowtham with the victim girl Hemavathi. Since the victim girl is a minor now and my son will marry the victim girl after she attains the age of major.

I submit that we will not change out stand against the marriage of my son Gowtham with the victim and we have no objection in my son Gowtham marrying the victim girl.'

4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded , in which, she has not stated any serious allegation against the petitioner. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegation made against the petitioner, on her own volition, she went along with the petitioner and the victim girl has been secured and further considering the affidavit of undertaking filed by the petitioner's father and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.The affidavit of undertaking paragraph as follows:-

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, each for a like sum to the satisfaction of the Special Judge for Exclusive Trial for the Cases under POSCO Act, Vellore, Vellore District, 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 shall report before the respondent police, daily at 10.30 a.m. 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 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;

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

-sd/-

23/08/2021

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 SPECIAL JUDGE FOR
EXCLUSIVE TRIAL FOR THE CASES UNDER POSCO
ACT, VELLORE DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MELPATTI POLICE STATION,
VELLORE DISTRICT.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary
charges Sr.8950

CRL OP.13681/2021

Date :23/08/2021

RVR 24/08/2021