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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.15300 of 2021

Ramkumar,
S/o.Ravi

... Petitioner

Vs.

The Inspector of Police
Virudhachalam Police Station,
Cuddalore District.
(Crime No.17 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to release the petitioner on bail in Crime No.17 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Saravana Kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.07.2021 for the offences under Sections 366-A of IPC and subsequently for the other offences under Sections 366, 451 of IPC and Section 7 r/w.8 of POCSO Act, 2012 was included in Crime No.17 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 aged about 14 years, who is a minor girl. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner and the victim girl were in love with each other and the victim girl, on her own volition, had come along with the petitioner and that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been in jail from 05.07.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the statement of the victim u/s 164(2) Cr.P.C has been recorded. It is the further submission of the learned government Advocate that the petitioner had kidnapped the victim girl aged about 14 years . He further submits that the victim girl has been secured. However, the learned Government Advocate vehemently objected for grant of bail to the petitioner.

5. A perusal of the statement of the victim, recorded u/s 164(2) Cr.P.C. reveals that no penetrative sexual assault, as alleged by the prosecution has been spoken to. Further, it is admitted that the victim girl has been secured and in view of the aforesaid factual position and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Virudhachalam 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.

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-sd/-
31/08/2021

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 JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SARAVANA KUMAR Advocate on payment of necessary charges

CRL OP.15300/2021

Date :31/08/2021

JPA 01/09/2021