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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.16107 of 2021

Seranjeevi

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
All Women Police Station,
krishnagiri,
Krishnagiri District.
Crime No.11 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in crime No.11 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate(Cr1. side)

ORDER

The petitioner who was arrested on 12.08.2021 and remanded to judicial custody for the offence under Section 363, 366 of IPC subsequently altered into 363, 366 of IPC and Sections 5(1) read with Section 6 of Protection of Children from Sexual Offence Act 2012 in Crime No.11 of 2021, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 09.08.2021 at about 6.00 p.m. the victim went to shop and she did not return to home. Thereafter, the defacto complainant, who is the father of the victim, came to know that his daughter was kidnapped by the petitioner. Due to which, the defacto complainant lodged a complaint before the respondent police. The respondent police registered a case against the petitioner.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence as stated by the prosecution and the victim and the petitioner loved each other and the victim had voluntarily went with the petitioner and the petitioner is in custody from 12.08.2021. Hence, he learned counsel prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the victim girl has been produced before the learned Judicial Magistrate, Krishnagiri and recorded 164 statement. However, the victim is a minor girl and therefore, the learned counsel vehemently opposed to grant bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, it was stated that the victim girl, on her own volition, went along with the petitioner and she has not stated any serious allegation against the petitioner and further considering the period of incarceration suffered by the petitioner, 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 FTC Mahila Court, Krishnagiri 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/-
13/09/2021

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 FTC MAHILA COURT,
KRISHNAGIRI.

2 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.9883

CRL OP.16107/2021

Date :13/09/2021

RW 14/09/2021