

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20274 of 2020

Rajendiran @ Rajendira

... Petitioner

Vs.

The State rep. by
All Women Police Station,
Krishnagiri District.
(Crime No.20 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.20 of 2020 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as A2. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 363, 366, 366(A) of I.P.C. in Crime No.20 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that A1 in this case kidnapped victim girl along with the petitioner and thereafter, based on the complaint given by father of victim girl, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail. Now, it is stated that A1 was arrested by the respondent police.

3. The learned counsel appearing for petitioner would submit that he is arrayed as A2 and the main allegation is only against A1. He would submit that he is an innocent person and he is no way connected with the offence. He would also submit that he has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that both the petitioners and A1 said to have kidnapped minor girl and the minor girl had given a statement before the concerned Judicial Magistrate. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances and also on perusal of statement given by the victim girl, it could be seen that no allegation has been made out against the petitioner, all the allegations are made only against A1 and on considering the fact that A1 was arrested, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Hosur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
21/01/2021

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.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI DISTRICT

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.20274/2020

Date :21/01/2021

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MN-02/02/2021