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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.19519 of 2021

1.Ajith @ sathyamoorthy

2.Sathyaprasath

... Petitioners

Vs.

State rep by
The Inspector of Police
B-1, Dharmapuri Police Station
Dharmapuri
Dharmapuri District,
Crime No.2212 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.2212 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Parthiban

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.09.2021 for the offences under Section 366(A) of IPC, in Crime No. 2212 of 2020, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's daughter who is aged about 15 years was found missing on 06.10.2020. On enquiry, it is was found that A1 involved in kidnapping the daughter of the defacto complainant. The petitioners are arrayed as A2 and A3 and they are the friends of A1. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence and they have been falsely implicated in this case since they happen to be the friends of A1. He would further submit that A4 and A5 have been granted anticipatory bail by this Court vide Crl.O.P.No.19484 of 2021 and that the petitioners have been suffering incarceration for more than 65 days from 06.09.2021. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that A1 had love affair with the victim girl and subsequently, they eloped and they both are still missing and that HCP is also pending.

5. Considering the fact that the petitioners are only friends of A1 and co-accused in this case have been granted anticipatory bail by this Court and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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-II, 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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/-
11/11/2021

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, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
B-1, DHARMAPURI POLICE STATION,
DHARMAPURI, DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE
SUB-JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.PARTHIBAN Advocate on payment of necessary charges
SR.NO.12633

CRL OP.19519/2021

Date :11/11/2021

JPA 12/11/2021