



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

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

Crl.O.P.No.21781 of 2021

R.Poovarasana

... Petitioners/Accused

Vs.

The State
Rep. by The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vaniyambadi District,
Vellore District.
(Crime No.543 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in connection with the above Crime No.543 of 2021, pending investigation before the respondent police.

For Petitioner : Mr.C.S.Vijayakumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.09.2021 for the offence under Section 363, 366 of IPC and Section 3(a) and 4 of Protection of Child from Sexual Offences Act, 2012, in Crime No.543 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl were in love with each other. On the date of occurrence the defacto complainant's daughter had gone to attend her job and she was kidnapped by the petitioner. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that even as per the FIR, the love affair between the petitioner and the victim girl is accepted. The learned counsel further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) submitted that the victim girl was taken away by force. The 164 statement recorded by the learned Magistrate was also produced before this Court and thereafter she was handed over to her parents by the police.

5. Taking into consideration, the facts and circumstances of the case and the petitioner having suffered incarceration for more than 60 days, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vaniyambadi, and on further conditions 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 Inspector of Police, Town Police Station, Tharmapuri District, every Friday 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.

WEB COPY

-sd/-
19/11/2021

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VANIYAMBADI POLICE STATION,
VANIYAMBADI DISTRICT.
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THARMAPURI DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.S.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.13041

CRL OP.21781/2021

Date :19/11/2021

JPA 19/11/2021