



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.22113 of 2021

Murugan

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
Crime No.436 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No. 436 of 2021 pending on file of the Palacode Police Station, Dharmapuri District.

For Petitioner : Mr.B.Mohan

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

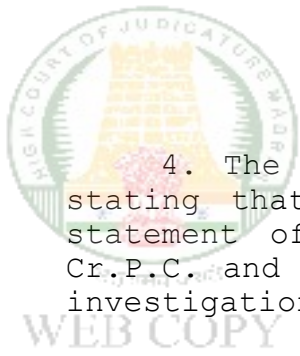
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.10.2021 for the offences under Sections 363, 366 of IPC, 1860 & Sections 5(1), 6, 16, 17 of the Prevention of Children from Sexual Offences Act, 2012, in Crime No.436 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant's minor daughter was found missing and during the course of investigation, it is found that the petitioner had kidnapped the victim girl. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner and victim had love affair and thereby, a false case has been foisted against the petitioner. He would further submit that the petitioner has been suffering incarceration for more than 45 days from 06.10.2021 and the petitioner is ready to abide any stringent condition imposed by this court. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that A2 to A5 have been absconding but admits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the victim girl had undergone medical test and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri, 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 stay at Salem and report before the Asthampatti Police Station on every Wednesday and Saturday at 10.30 a.m. until further orders and the petitioner shall not have any communication with the victim girl.

(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.

-sd/-
24/11/2021

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DHARMAPURI.

2 THE INSPECTOR OF POLICE,
PALACODE POLICE STATION,
DHARMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
ASTHAMPATTI POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.MOHAN Advocate on payment of necessary charges
SR.NO.13357

CRL OP.22113/2021

Date :24/11/2021

CSK 24/11/2021