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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

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

Cr1.O.P.No.23031 of 2021

DEEPAK

...Petitioner

Vs.

...Respondent

State Rep. By
Inspector of Police
Arcot Taluk Police Station
Vellore District
Crime No.246 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.246 of 2021 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasn

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

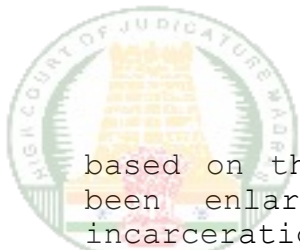
ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.10.2021 for the offences under **Sections 363, 366 of IPC and Section 5(1) and 6 of Protection of Children from Sexual Offence Act, 2012**, in Crime No.246 of 2021, seeks bail.

2. The case of the prosecution is that on 20.10.2021, the defacto complainant's daughter was found missing and hence, a complaint was lodged. Initially the case was registered for "Girl Missing" and suspected that the petitioner might have kidnapped her. Subsequently, the petitioner surrendered before the respondent and after his arrest, the case was altered as stated above.

3.The learned counsel appearing for the petitioner/A2 would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case



based on the confession of A1. He would further submit that A1 has been enlarged on bail and the petitioner has been suffering incarceration for more than 35 days from 25.10.2021. Hence, he prays for grant of bail to the petitioner.

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4. The learned Government Advocate raised objection stating that there are totally 3 accused in this case and the petitioner is arrayed as A2. Due to love affair, the victim eloped with the accused and now the victim girl has been secured and handed over to her parents and her statement has also been recorded under Section 164 Cr.P.C. and that the investigation is almost completed.

5. Considering the fact that A1 has been enlarged on bail and the victim girl has been secured and handed over to her parents and 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 District Munsif cum Judicial Magistrate, Arcot**, 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 respondent police on every Saturday at 10.30 a.m. until further orders.

(c) The petitioner shall not have any communication with the victim girl and her family members until the dispute is solved.

(d) After commencement of trial, the petitioner shall co-operate for the trial.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
01/12/2021

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 DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, ARCOT, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARCOT TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.13831

CRL OP.23031/2021

Date :01/12/2021

TA-01/12/2021