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CrI.O.P.No.21858 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.21858 of 2022

M.Sekkizhar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.

(Crime No.281/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.281 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.08.2022 for the offences punishable under Sections 366 & 109 IPC and Section 11(4) r/w 12 of Protection of Children from Sexual Offences Act, 2012, in Crime No.281 of 2022 on the file of the respondent Police, seeks bail.

2. On the complaint given by one Ramamoorthy that his daughter aged about 17 years was found missing, a case in crime No.281 of 2022 has been registered by the respondent Police for "girl missing". During the course of investigation, it came to light that the first accused had kidnapped the victim girl for the purpose of marrying her and the petitioner, who is the friend of the first accused, had given asylum to the accused and the victim girl and helped them to escape. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he happens to be the friend of the first accused, he has been falsely implicated in this case. He would further submit that petitioner's native is Kalasapakkam and he is



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presently residing at Villivakkam, Chennai and when the first accused come along with the girl to his home and coming to know that the girl was minor, the petitioner sent them away and they left the house of the petitioner and thereafter, the petitioner is not aware of their whereabouts. He would also submit that the petitioner has not committed any sexual assault on the victim girl and the petitioner is in custody from 05.08.2022. The learned counsel would further submit that the petitioner is prepared to cooperate with the respondent in further investigation. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the friend of the main accused who had given asylum to the first accused and the victim girl. He would also submit that the investigation is pending and the victim is yet to be secured. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the allegation as against the petitioner that he has given asylum to the accused and the victim girl, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kalasapakkam**, 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, everyday at 10.30 a.m. and 5.30p.m., until further orders;

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



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[d] the petitioner shall not tamper with evidence or witness 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]**;

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

19.09.2022

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To

1. The Judicial Magistrate,
Kalasapakkam.
2. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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