



Crl.O.P.No.10816 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10816 of 2023

Tamilselvan

... Petitioner

Versus

State Rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.

Crime No.101 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.101 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2023, for the offence punishable under Sections 363 @ 363, 366 of I.P.C., in Crime No.101 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused had kidnapped the minor daughter of the de-facto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, the learned counsel for the petitioner would submit that there was love affair between the petitioner and the victim girl, whereas, the de-facto complainant had lodged a false complaint against the petitioner. He would also submit the petitioner is in custody from 11.04.2023. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner/accused had kidnapped the minor daughter of the de-facto complainant. He would further submit that the investigation is yet to be completed and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. There is force in the submission of the learned counsel for the petitioner and taking into consideration of the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C., from the victim girl that the victim and the petitioner were loving each other and she, on her own volition has gone along with the petitioner and the petitioner had not committed any offence on her, this Court is inclined to grant bail on the following conditions;

[a] the petitioner shall execute 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 Court at Harur.

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

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To

1. The Judicial Magistrate,
Harur.
2. The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
3. The Sub Jail,
Harur.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

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