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Crl.O.P.Nos.27066 & 27068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.27066 & 27068 of 2023

Narayanappa S/o. Nagappa

... Petitioner in
Crl.O.P.No.27066 of 2023

1.Muniyappa @ Muniraj S/o. Mallappa
2.Kooli Chandran So. Venkatramappa

... Petitioner in
Crl.O.P.No.27068 of 2023

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

(Crime No.72 of 2023)

... Respondent in both Crl.O.Ps.

Common prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.72 of 2023 on the file of the respondent.

(In both Crl.O.Ps.)

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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COMMON ORDER

A4 and A5 have file Crl.O.P.No.27068 of 2023 and A6 has filed Crl.O.P.No.27066 of 2023, both in Crime No.72 of 2023, originally registered as 'girl missing' and later altered to Sections 363, 366 of IPC and Section 5(1)(J)(ii)(n) r/w 6(1) of POCSO Act, 2012.

2.It is the case of the prosecution that the defacto complainant/father of the victim had given a complaint that the victim, who was studying in 1st year college, had not come home on 31.08.2023 and that he was not able to find her. Thereafter, he had filed HCP.No.1884 of 2023 and the same had been disposed of on 27.09.2023. In the meanwhile, these petitioners/A4, A5 had been taken into custody on 05.11.2023 and petitioners/A6 had been taken into custody on 08.11.2023.

3.The learned counsel for the petitioners in both the petitions stated that the petitioners were not aware of the reasons for which the victim had gone away with the 1st accused.



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4.It is stated that these petitioners were only relatives of the 1st accused and they did not know about the affairs particularly about the affair with the victim. The learned counsel therefore stated that these petitioners have been in incarceration for a considerable period of time and can be considered the bail applications.

5.The learned Government Advocate (Crl. Side) for the respondent had forwarded a copy of the statement recorded under Section 164(5) Cr.P.C., of the victim child. The facts stated had been perused by this Court.

6.Taking all the factors into consideration, I am inclined to grant bail to the petitioners in both the Crl.O.Ps., subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Hosur, and on further conditions that: -



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[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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Judicial Magistrate No.II, Hosur.

2.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

3.The Sub Jail, Krishnagiri.

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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