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Crl.O.P.No.19621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19621 of 2024

E.Ajith

... Petitioner

Vs.

State represented by,
The Inspector of Police
AWPS Hosur Police Station,
Krishnagiri District
(Crime No.50 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in connection with Crime No.50 of
2024 on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.07.2024, for the alleged offences punishable under Sections 87, 89 of



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BNS Act, in Crime No.50 of 2024, on the file of the respondent police, seeks bail.

2. On the complaint given by the de-facto complainant that her daughter aged about 17 years was found missing, a case in Crime No.50 of 2024 has been registered by the respondent Police for "girl missing". During the course of investigation, it came to light that the petitioner had kidnapped the victim girl with the help of this petitioner and other accused persons and committed the alleged offence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged 24 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was having a love affair with the daughter of the de-facto complainant/victim minor girl, aged about 17 years. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner's name was not found in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had kidnapped the minor victim girl of the de-facto complainant from her legal guardianship with the help of this petitioner and other accused persons and committed penetrative sexual assault on her. He would further submit that the Trial Court wrongly stated that the minor girl has been secured and under the custody of her parents, but as per the investigation, till now, the minor girl has not yet secured and HCP No.1881 of 2024 is pending before this Court. He would further submit that the investigation was almost completed and the petitioner has no previous case pending against him. However, he vehemently, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and taking note of the fact that the name of the accused is not found in the FIR and the investigation was completed, and there was no previous case against



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the petitioner, and also considering all other factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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 Judicial Magistrate No.II, Hosur, and on further conditions that:-

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

[b] the petitioner shall not commit any offences of similar nature.

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

[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 Judicial 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



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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 269 BNS.

16.08.2024

drl

To

1.The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police
AWPS Hosur Police Station,
Krishnagiri District

3.The Superintendent,
District Prison, Dharmapuri.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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