



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Third day of July Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.13902 of 2015

R. CROSS SUBIN

... PETITIONER(S) / ACCUSED 1

Vs

STATE REP BY:: THE INSPECTOR OF POLICE
VADASERI POLICE STATION, KANYAKUMARAI
DISTRICT, CRIME NO.654 OF 2015

... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.B.DILIP KUMAR Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

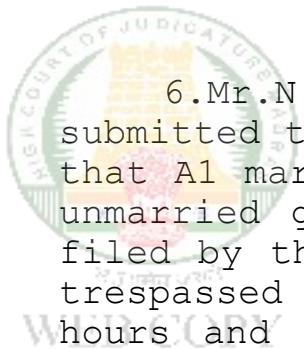
The petitioner, who is arrayed as A1, was arrested and remanded to judicial custody on 20.07.2015 for the alleged offence punishable under sections 147, 148, 294(b), 448, 363 and 506(ii) of IPC, in Crime No.654 of 2015 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 17.07.2015 at 8.30 p.m., the accused trespassed into the house of the de-facto complainant and by force kidnapped his daughter and also threatened the de-facto complainant with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution; that A1 and the daughter of the de-facto complainant are schoolmates and they have been in love with each other, since their school days and A1 is a B.C.A. Graduate and the alleged victim is a B.E. Graduate and that the love affair was not accepted by the de-facto complainant.

4.The learned counsel further submitted that on 17.07.2015 at 8.30 p.m., the wife of the de-facto complainant had beaten her daughter and therefore, she called A1 for help and on her own volition, she came out from her house and joined with A1. It is further submitted that the alleged victim is aged about 23 years and she appeared before the learned Judicial Magistrate, Nagercoil and gave a statement saying that she is willing to go with the accused.

5.It is further submitted that A1 and the daughter of the complainant have already married in the month of September 2014 and on 18.07.2015, they also exchanged garlands to confirm the earlier marriage. The learned counsel also filed an affidavit of the alleged victim, which reveals that she already married A1 and on her own volition, she joined with A1 on 17.07.2015.



6.Mr.N.Sivakumar, learned counsel for the intervenor submitted that the accused have not produced any material to show that A1 married the daughter of the de-facto complainant and the unmarried girl cannot be kept by the accused and the affidavit filed by the victim is not a voluntary one and the accused have trespassed into the house of the de-facto complainant at odd hours and if the petitioner is released on bail, the de-facto complainant life will be at danger. It is further submitted that the de-facto complainant is a Senior member of the Bar and he is suffering a lot due to the illegal act committed by the accused.

7.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the daughter of the de-facto complainant is aged about 23 years and this is a case of love affairs and the victim was secured and now she is residing in the house of the accused.

8.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

9.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 Judicial Magistrate, Boothapandy and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m until further orders.

sd/-

23/07/2015

/ TRUE COPY /

TO Sub-Assistant Registrar (C.S.)
1 THE JUDICIAL MAGISTRATE BOOTHAPANDI
2 THE CHIEF JUDICIAL MAGISTRATE KANYAKUMARI AT NAGERCOIL
3 THE ADDL. PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4 THE INSPECTOR OF POLICE
VADASERI POLICE STATION, KANYAKUMARAI DISTRICT
5 THE OFFICER IN CHARGE, DISTRICT JAIL NAGERCOIL.

1. CC to M/S.B.DILIP KUMAR Advocate SR.No.40686

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ORDER IN
CRL OP(MD) No.13902 of 2015
Date :23/07/2015