



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21434 of 2015

SAKTHIVEL

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
SERAKULAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO. 53 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.R.DURAI RAJ Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

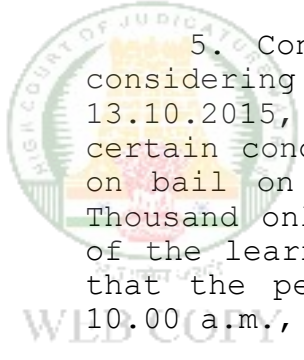
ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.10.2015 for the alleged offences punishable under Section Women Missing altered into Sections 366, 342, 417, 494, 376, 506 (ii) of the Indian Penal Code and Section 4 of TNPWH Act in Crime No.53 of 2015 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner, by force, kidnapped the defacto complainant and taken her to Chennai, where she was detained in a house and married her and had physical relationship.

3. The case of the petitioner is that the petitioner and the defacto complainant fell in love with each other and subsequently, they got married. The family members of the defacto complainant did not like the marriage and therefore, prevented the defacto complainant by not allowing her to go to the matrimonial home. Therefore, the petitioner filed a petition in H.C.P(MD)No.1394 of 2015 before this Court to hand over her custody. Before this Court, the defacto complainant was produced and deposed that the petitioner forcibly married her.

4. The learned counsel for the petitioner submitted that the petitioner did not commit any offence, as alleged in the complaint. The petitioner is a married man and due to dispute, the first wife left the matrimonial home. In the above circumstances, the petitioner and defacto complainant loved each other and they got married and the said marriage was accepted by the petitioner's family members. However, the family members of the defacto complainant insisted her to lodge a complaint against the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 13.10.2015, this Court is inclined to grant bail to the petitioner with certain conditions. 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, Srivaikundam and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-
23/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE SUPERINTENDENT
CENTRAL PRISON
PALAYAMKOTTAI

4 THE SUB INSPECTOR OF POLICE
SERAKULAM POLICE STATION,
TUTICORIN DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

+1. CC to M/S S.R.DURAI RAJ Advocate SR.No.67241.

ORDER
IN
CRL OP(MD) No.21434 of 2015
Date :23/11/2015

AM/25.11.2015/AAL.MPA/SAR-I/2P/7C