

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

Tuesday, the Seventeenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3526 of 2015

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V.KARTHIKA

... PETITIONER/ACCUSED UNKNOWN

JEYAKUMAR

... INTERVENER

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
CR. NO.429/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.VINOTH BALAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

For Intervener : MR.S.C.HEROLD SINGH, Advocate

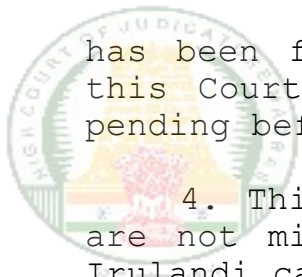
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody, on 08.02.2015, for the offence punishable under Section 417, 498, 366, 379 IPC [NP] and 366 and 379[NP] of the Indian Penal Code, in Crime No.429 of 2014, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the daughter of the *de facto* complainant, by name, Jeeva was given in marriage to one Muthuraja. Even before the said marriage, she was in love with one Irulandi. After marriage, Jeeva, who is aged about 20 years, eloped with the said Irulandi, who is aged about 24 years, on 28.11.2014. On the complaint lodged by the father of Jeeva, the present case in Crime No.429 of 2014 has been registered. The police arrested one Poonkodi, the mother of Irulandi and this Court in Crl.OP[MD]. No.1441 of 2015 granted bail to her. This petitioner is the sister of the said Irulandi and she was arrested by the police on 08.02.2015 and she is in family way.

3. The learned Government Advocate [Criminal Side] brought to the notice of this Court that the husband of the victim girl has filed HCP[MD].No.36 of 2015, seeking a direction to the police to produce her before this Court. It is also stated that a Special Team



has been formed to locate the victim girl and produce her before this Court in connection with the case in HCP[MD].No.36 of 2015, pending before this Court.

4. This Court is of the view that the said Irulandi and Jeeva are not minors and this petitioner, being the sister of the said Irulandi cannot be kept in incarceration, indefinitely.

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5. Taking into consideration of the above, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on her 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, No.I, Dindigul and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

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

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

[d] 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]**.

sd/-

17/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.I, DINDIGUL

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE DINDIGUL DISTRICT

3 THE SUB INSPECTOR OF POLICE TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

4 THE OFFICER-IN-CHARGE SUB-JAIL, DINDIGUL

5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.VINOTH BALAN Advocate SR.No.12466

ORDER IN

CRL OP(MD) No.3526 of 2015

Date :17/03/2015