



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

Wednesday, the First day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5787 of 2015

THANGAVEL,

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION, DINDIUGL DISTRICT,
CRIME NO.52 OF 2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.ADIKESAVAN Advocate

For Respondent : M/S.P.KANDASAMY Government Advocate (Crl. Side)

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

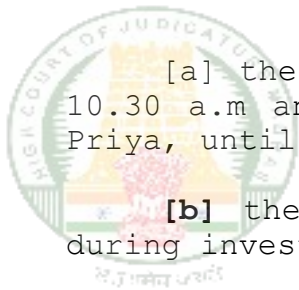
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.02.2015, for the offence punishable under Section 366(A) of the Indian Penal Code, in Crime No.52 of 2015, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that son of this petitioner, by name, Thavam, was in love with one Priya, who is aged about 17 years and that he had earlier eloped with her some time in January 2015 and they were secured. Again, the said Thavam ran away with Priya on 14.02.2015 and on the complaint lodged by Priya's father, this case has been registered on 17.02.2015. This petitioner was arrested on 17.02.2015 and is in incarceration since then.

3. The learned Government Advocate [Criminal Side] submitted that Thavam and Priya have not been secured yet.

4. From the conspectus of the facts, it is seen that earlier, the said Thavam had eloped with Priya and after sometime, they were secured and thereafter, now the said Thavam had eloped with the said Priya for the second time and he must be waiting for Priya to attain the age of 18 years, so that they can boldly surface. For the fault committed by Thavam and Priya, this petitioner cannot be kept in jail for an indefinite period. Therefore, this Court is inclined to grant bail to the petitioner. 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, No.2, Dindigul and on further condition that:



[a] the petitioner shall report before the respondent police daily at 10.30 a.m and co-operate with them in tracing out her son - Thavam and Priya, until further orders.

[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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
01/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.E, DINDIGUL.

2 Do - Through THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION, DINDIUGL DISTRICT.

5 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.

+1. CC to M/S.P.ADIKESAVAN Advocate SR.No. 16864.

TS/06.04.2015/2P-7C

ORDER
IN
CRL OP(MD) No.5787 of 2015
Date :01/04/2015