

CRL. O.P. No.5275 of 2016**R.MALA, J.**

The petitioners, who are arrayed as A-1 and A-2 and they were arrested and remanded to judicial custody on 30.01.2016 for the alleged offences punishable under Sections 363, 365, 366 and 506[i] of I.P.C., in Crime No.43 of 2016 on the file of the respondent police and hence, seek bail.

2.The first petitioner is the father and the second petitioner is the son of the first petitioner. The case of the prosecution is that the first petitioner, who is a widower aged about 48 years had married the victim girl, who is aged about 23 years.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated as accused in the present case. It is further submitted that the second petitioner is a college student and he is nothing to do with the commission of offence and hence, he prays for enlargement on bail.

4.The learned Government Advocate (criminal side) appearing for the respondent would submit that the first petitioner, who is aged about 48 years had kidnapped the victim girl, who is aged about 23 years and married her. It is further submitted that the victim girl is secured and now she is with her parents and the investigation is considerably over and however, he prays for dismissal of this application.

R.MALA, J.

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5.Considering the rival submissions made by both sides and also considering the fact that the marriage between the first petitioner and the victim girl had taken place on 27.01.2016 and the victim girl's father lodged complaint as against the petitioners on 28.01.2016, the first petitioner is concerned, he is 48 years old and the victim girl is concerned, she is 23 years old, in such circumstances, I am of the view that this is not a fit case for granting bail to the first petitioner and accordingly, the Criminal Original Petition is dismissed as against the first petitioner, namely, R.Ashok Joseph Vijay. In so far as the second petitioner, namely, A.Andrew Joseph is concerned, since he is college going boy, I am inclined to grant bail to him with certain conditions.

6. Accordingly, the second petitioner is ordered to be released on bail on 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, Ponneri, and on further condition that the second petitioner shall report before the learned Judicial Magistrate No.I, Madurai daily at 10.30 a.m. until further orders, except Saturday and Sunday.

11.03.2016

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