



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.12064 of 2016

WEB COPY

M.BHARATH KUMAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

KOODALPUDUR POLICE STATION,

MADURAI DISTRICT.

CR. NO.857/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.SATHISH KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Sections 366(A) of IPC, in Crime No.857 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that initially the case was registered under girl missing and thereafter altered into 366(A) of IPC.

3.The case of the petitioner is that the petitioner and the defacto complainant are relatives. There was a marriage proposal between the family members of the petitioner and the victim. Due to the misunderstanding, the marriage proposal was dropped. The petitioner asked the victim girl to give her consent. The victim expressed her willingness to marry the petitioner and stated that she will get consent from her parents. The petitioner dropped the victim in her relative's house. In the meantime, the defacto complainant has given a false complaint.

4.The learned Government Advocate (Crl.side) submitted that the defacto complainant is the father of the victim girl, she is aged about 17 years. The petitioner herein kidnapped her due to love affairs and promised her to marry her, he took her to rural area, he kept her there for two days in his relative house. Initially, complaint was registered under girl missing and subsequently, it was altered into 366(A) of IPC. The statement of the victim girl also recorded and she stated that there is no physical contact with him. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 23.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of
<https://hcservices.ecourts.gov.in/hcservices/> Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the



learned Additional Mahila Court-cum-Judicial Magistrate, Madurai.

- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
19/07/2016

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL MAHILA COURT-CUM-JUDICIAL MAGISTRATE, MADURAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
KODALPUDUR POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.SATHISH KUMAR Advocate SR.No.37626

ORDER
IN
CRL OP(MD) No.12064 of 2016
Date :19/07/2016

PA/NGM-MP/SAR - I/19.07.2016/2P/7C