



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12670 of 2016

SAKTHIKUMAR,

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.
IN CR.NO.248 OF 2016,

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.JOEL PAUL ANTONY 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 accused No.1, who was arrested and remanded to judicial custody on 11.06.2016 for the alleged offence punishable under Section Sections 366 @ 366(A) of I.P.C., and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 in Crime No.248 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the minor daughter of the de-facto complainant and on complaint, case has been registered against the petitioner for the aforesaid offences.

3. The case of the petitioner is that the petitioner and the victim girl are in love and they decided to marry and eloped on 10.06.2016. The very next day, the victim girl secured. The petitioner did not commit any offence and the victim girl is now major. She herself has given a statement that she voluntarily left the parental home and she has written a letter to the Superintendent of Police that she was not kidnapped by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



5. The learned Government Advocate (Crl.side) submitted that on the date of occurrence, the victim girl was minor. The petitioner kidnapped her and the victim girl is now secured and she expressed that she is willing to go with her parents and the investigation is pending.

6. Considering the allegations made against the petitioner and the statement of the learned counsel for the petitioner that the petitioner did not kidnap the victim girl and she has written a letter to the Superintendent of Police that they eloped to get marry and now the victim girl attained majority and she is residing with her parents, 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 Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri, Trichy District.
- (ii) the petitioner shall report before the respondent police daily at 10.00 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].

7. 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/-

28/07/2016

/ TRUE COPY /

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

TO



2 DO THRO THE CHIEF JUDICIAL
MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

5 THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.

+1. CC to M/S A.JOEL PAUL ANTONY Advocate SR.No.40132.

ORDER
IN
CRL OP(MD) No.12670 of 2016
Date :28/07/2016

AM/SK.SKN/SAR-I/28.07.2016/2P/7C