



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14544 of 2016

SENTHIL @ SENTHIL KUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE
BY THE INSPECTOR OF POLICE,
KALLIMANDAYAM POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO.169 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as Accused was arrested and remanded to judicial custody on 19.06.2016 for the alleged offences punishable under Section 363 of IPC @ 417, 420 and 506(i) of IPC in Crime No.169 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 28.06.2016 the daughter of the defacto complainant was found missing. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. The victim girl is a major. The petitioner and victim girl are belonged to same community and they are known to each other. The victim girl knowing fully well that the petitioner is married and he is having two children came with him. The petitioner and victim girl are only friends. The petitioner is suffering from Diabetic and Kidney problem.

4. The learned counsel for the petitioner submitted that on earlier occasion wife of the petitioner gave a complaint before the village panchayat and they warned the petitioner and victim girl not to continue the relationship.

5.The learned Government Advocate (Crl. side) submitted that both the petitioner's wife and victim girl is residing in the same village and both are same community and relatives.



6. Considering the fact that both the petitioner's wife and victim girl is residing in same village and the petitioner is in judicial custody from 05.07.2016, 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:

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- (i) the petitioner shall execute 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, Oddanchathiram.
- (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/-

19/08/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ODDANCHATHIRAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4. THE OFFICER-IN-CHARGE, DISTRICT JAIL, DINDIGUL
5. THE INSPECTOR OF POLICE,
KALLIMANDAYAM POLICE STATION, DINDIGUL DISTRICT
- +1. CC to M/S.D.VENKATESH Advocate SR.No.45772
RL/7C/2P/SK/SKN/SARIII/19/8/2016

ORDER

IN

CRL OP(MD) No.14544 of 2016

Date :19/08/2016