



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

Monday, the Fourteenth day of November Two Thousand Sixteen

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PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP (MD) No.21615 of 2016

PULI ESWARAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KOVILANGULAM POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.66 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BHARATHI Advocate

For Respondent : MRS.S.PRABHA, Govt. 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 26.10.2016 for the alleged offences punishable under Section 366 IPC altered into Section 376 IPC in Crime No.66 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3.The case of the prosecution is that the petitioner along with A.2 kidnapped the victim girl and the petitioner forcibly married her.

4.Learned counsel for the petitioner submitted that the petitioner/A.1 has already married the victim girl, who was aged 23 years and the petitioner is aged 27 years and the marriage has been performed in the presence of the elders and he would further submit that the petitioner is innocent and a false case has been foisted against him.

5.Learned Government Advocate (crl.side) submitted that the petitioner along with A.2 kidnapped the victim girl.



6. Even though the prosecution states that there was a forced marriage, there was no documentary evidence or written complaint given by the victim girl has been produced before the Court by the prosecution. 7. Taking note of the fact that the petitioner is in judicial custody from 26.10.2016, this Court is inclined to grant bail to the petitioner. 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, each for a like sum to the satisfaction of the Judicial Magistrate, Kamuthi, Ramnad District;

(ii) the petitioner is directed to stay at Vellore and report before the Vellore Town Police Station daily at 10.30 a.m. for a period of 30 days and thereafter, report before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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].

sd/-

14/11/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
- 5 THE INSPECTOR OF POLICE, VELLORE TOWN POLICE STATION, VELLORE.
- 6 THE INSPECTOR OF POLICE, KOVILANGULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1. CC to M/S.S.BHARATHI Advocate SR.No.68520.

ORDER IN

CRL OP(MD) No.21615 of 2016

Date :14/11/2016



AM/SK SKN/SAR-J/16.11.2016/2P/8C

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