



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

Friday, the Twenty First day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.4875 of 2017

ESSAIAH

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

CRIME NO.45 OF 2017. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.VISHNURAM Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused was arrested and remanded to judicial custody on 23.02.2017 for the offences punishable under Sections Girl Missing @ 366 (A) read with 5(L) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.45 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.02.2017, the petitioner/accused allegedly kidnapped the minor victim girl Divya, aged 17 years, who is the daughter of the defacto complainant and attempted to marry her. Based on the complaint case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant's daughter one Divya had love affair with each other and still she is not attaining majority. In the meanwhile, knowing about their love, her father/defacto complainant arranged marriage to her with another person and the girl went away from her house to avoid the marriage and the defacto complainant lodged a complaint against the petitioner alleging that he had kidnapped his daughter. The petitioner is no way connected in this case and the girl by consent went away with the petitioner and she refused to go to her parental home and now she is in the custody of home at Madurai. The petitioner is innocent and a false case has been foisted against him and prays for bail.



4. The learned Government Advocate (Crl.Side) submitted that the girl is now secured and there is no physical relationship between the petitioner and the victim girl.

5. Considering the above facts and circumstances, 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 learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram;

(ii) the petitioner shall appear 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.

sd/-

21/04/2017

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, RAMANATHAPURAM

2 THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION, RAMANATHAPURAM DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.

+1. CC to M/S.G.VISHNURAM Advocate SR.No.20760

PJL/PSD

CSL/PM--PN/SAR-III/21.04.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.4875 of 2017

Date :21/04/2017