



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16765 of 2017

KARUPPASAMY @ KARUTHAPANDI ... PETITIONER /SOLE ACCUSED
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ETTAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.378 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.ANGUSAMY, Advocate

For Respondent : M/S.M.MURUGAN, Govt. Advocate (Crl. Side) for
M/S.K.ANBARASAN, Government Advocate(Crl.Side)

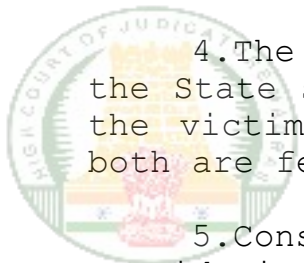
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.11.2017, for the offences punishable under Sections 363 I.P.C., and Sections 5(n), 5(1) and 6 of Protection of Children from Sexual Offences Act, in Crime No.378 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.10.2017, the petitioner kidnapped the 14 years girl to Chennai, thereby, the petitioner had sexual intercourse with the victim girl. Immediately, after kidnapping the victim girl, the mother of the victim girl has lodged a complaint before the respondent police, thereby, the petitioner was arrested by the respondent police and remanded to Judicial Custody on 01.11.2017.

3.The learned counsel appearing for the petitioner would submit that the petitioner, who is none other than the victim girl's cousin. The victim girl is studying 10th Standard and they had relationship for the past 1-1/2 years. In the meantime, the petitioner's family prepared for arranging marriage, thereby, the petitioner and the victim girl ran away from the native place and stayed at Chennai. Thereafter the petitioner was unable to contact over phone since the case was registered, thereby, he has been arrested and remanded to Judicial Custody. The matter is purely love affection and the petitioner is ready and willing to marry the victim girl after attaining the majority.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that on perusal of the 164 Cr.P.C. Statement of the victim girl and the accused statement, it clearly shows that both are fell in love and ran away from their native place.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), this Court is inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail, subject to the following certain conditions.

6.The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Mahile Court (Fast Track), Thoothukudi.

- (i) the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-
13/12/2017

/ TRUE COPY /

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

TO

1. THE JUDGE,
MAHILA COURT (FAST TRACK), THOOTHUKUDI.
2. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
ETTAIYAPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.ANGUSAMY Advocate SR.No.36140

ORDER IN
CRL OP (MD) No.16765 of 2017
Date :13/12/2017