



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

Monday, the Ninth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.229 of 2017

VANNISELVAM

... PETITIONER/ACCUSED NO.3

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

CRIME NO.898/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

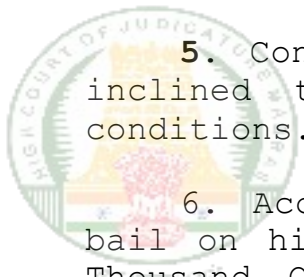
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.12.2016, for the offences punishable under Section 'Girl Missing @ Sections 366-A of IPC., @ Section 5(L) r/w.6 of POCSO Act, 2012, in Crime No.898 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A3 assisted to kidnap the minor girl by A1.

3. The learned counsel for the petitioner states that the petitioner is A3 and he is the brother of A1 and A2 is the mother. He would further submit that the petitionoiner never committed any offence, as alleged by the respondent Police. He would also submit that the co-accused / A2 had already been released on bail by this Court on 22.12.2016 in Crl.O.P(MD)No.23466 of 2016.

4. The learned Government Advocate (crl.side) appearing for the respondent states that the victim girl in this case was secured, but refused to go with their parents and since she is minor, she is in a Home. The petitioner/A3 assisted to A1 in the occurrence. He would further submit that A1 is yet to be arrested in this case and the investigation is still pending.



5. Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.1, Madurai, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
09/01/2017

/ TRUE COPY /

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

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.1548

MPK
CSL/SKN/SAR-I/09.01.2017 : 2P/7C

ORDER
IN
CRL OP (MD) No.229 of 2017
Date : 09/01/2017