



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

Wednesday, the Twenty First day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.7686 of 2017

THAMARAIAKANI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
(GANESH NAGAR POLICE STATION,
CRIME NO.164/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESH KUMAR Advocate

For Respondent : MR.R.RAMACHANDRAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 15.05.2017, for the alleged offences punishable under Section 363 IPC and Section 4 of POSCO Act and Section 9 of Child Marriage Restraint Act, 2006, in Crime No.164 of 2017, on the file of the respondent/Police, seeks bail.

2.Heard Mr.D.Ramesh kumar, learned counsel appearing for the petitioner/accused and Mr.R.Ramachandran, learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the petitioner/accused has kidnapped the victim girl and married her. Based on the complaint given by the victim girl's mother/defacto-complainant, the present case has been registered against this petitioner by the respondent/Police in Crime No.164 of 2017.

4.The learned counsel for the petitioner produced the Transfer Certificate (TC) of the victim girl, as a proof of her age. It reveals that the victim girl has attained majority on 23.05.2017.

5.The 161 statement of the victim girl, produced by the learned Additional Public Prosecutor, reveals that she has voluntarily gone with the petitioner to marry him and to live with him.



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6. In the light of the above facts, 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, Mahila Neethimandram, Pudukkottai.
- (ii) the petitioner shall report before the Investigating Officer as and when required for interrogation.
- (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 petitioners 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/-
21/06/2017

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

TO

- 1 THE SESSIONS JUDGE,
MAHILA NEETHIMANDRAM, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
(GANESH NAGAR POLICE STATION), PUDUKKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 OFFICER IN CHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

+1. CC to M/S.D.RAMESH KUMAR Advocate SR.No.61238

ORDER
IN
CRL OP(MD) No.7686 of 2017
Date :21/06/2017