



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3622 of 2018

PALRAJ

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.12 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

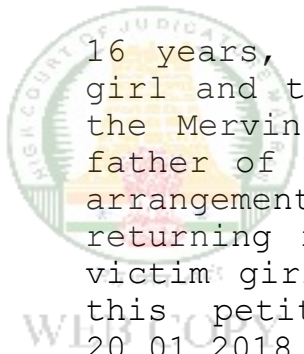
The petitioner/A2, who was arrested and remanded to judicial custody on 20.01.2018, for the offences punishable under Sections, 366, 506(i) I.P.C., and Section 9 of Child Marriage Act and Section 12 of POCSO Act., in Crime No.12 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and another accused in this case kidnapped the victim girl, aged about 16 years and the first accused in this case married the victim girl. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 20.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, one Mervinraja took the victim girl, who was aged about



16 years, to Pollachi. After solemnizing the marriage, the victim girl and the said Mervinraja went to Madras, where, the father of the Mervinraja is residing. After knowing the entire facts, the father of the said Mervinraja has advised the victim girl and made arrangement for sending her to her parents house. At the time of returning from Madras, the present petitioner accompanied with the victim girl. Except the above, no allegation was levelled against this petitioner. The petitioner is in judicial custody from 20.01.2018 onwards. Thereby, considering the nature of offence committed by the petitioner and also considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 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/-
08/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.A.EBENEZER Advocate SR.No.3720

ORDER IN
CRL OP(MD) No.3622 of 2018
Date : 08/03/2018