



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22407 of 2018

PARANTHAMAN

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
SINDHUPATTY POLICE STATION,
MADURAI DISTRICT.
Crime No.67 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ALAGUMANI 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 :-

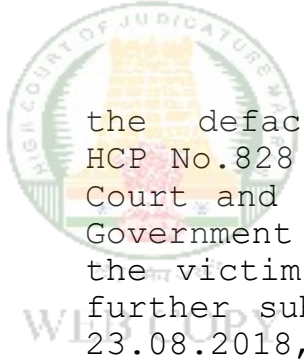
The petitioner is in judicial custody since 11.10.2018 for the offences punishable under Sections Women Missing @ 366(A), 417,471,420 of IPC and Section 9 and 10 of Child Marriage Act r/w.5(1),6 POSCO Act in Crime No.67 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the the petitioner herein kidnapped the daughter of the defacto complainant aged about 17 years and married her with the help of his friends. The victim girl's father has given a complaint before the respondent police and the respondent police registered a case as Women Missing and during investigation the case is altered to 366(A), 417,471,420 of IPC and Section 9 and 10 of Child Marriage Act r/w.5(1),6 POSCO Act

3.The learned counsel for the petitioner would submit both the petitioner and the victim girl loved each other and she voluntarily went the petitioner and that the petitioner is working as a representative and he is the sole bread winner of the family. The victim girl has not stated anything about the forcible sexual intercourse and hence prayed for bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate(Crl.Side) would submit that



the defacto complainant has filed a petition before this Court in HCP No.828 of 2018 and the girl was secured and produced before the Court and thereafter the girl was kept in care and custody of the Government observation Home in Trichy. He would also submit that the victim girl was in love affair with the petitioner. He would further submit that the victim girl was examined by the Doctor on 23.08.2018, wherein he has stated that there is no external injuries seen in her body and on her genital parts. 164 Cr.P.C statement of both the victim girl and her father was taken. The victim has clearly stated that they both love each other and she voluntarily went away from her house and thereafter marriage was conducted and they have been living happily for the past three months. He would also submit that investigation in this case is almost over.

5.Considering the above facts and circumstances and also the period of incarceration and that the victim girl has voluntarily went away with the petitioner and both of them were married , this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate, Thirumangalam and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-
19/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3. THE INSPECTOR OF POLICE,
SINDHUPATTY POLICE STATION,
MADURAI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.R.ALAGUMANI Advocate SR.No.23584

ORDER

IN

CRL OP (MD) No.22407 of 2018

Date :19/12/2018

TK/PN.AC/SAR-2/19.12.2018/3P/7C