

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12380 of 2019

GOPI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT
CRIME NO.101 OF 2019

For Petitioner : M/S.S.NAMBIRAJAN Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 9.4.2019 for the offence under Section 366 (A) IPC in Crime No.101 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped a Minor girl, who is the daughter of the de-facto complainant.

3. The learned counsel for the petitioner submitted that the minor girl has been rescued and the petitioner had already married the Victim. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 09.04.2019 and he has already suffered incarceration for more than 29 days.

4. The learned Additional Public Prosecutor submitted that there was a love affair between the petitioner and the victim girl, who was a minor at the time, when she was kidnapped. The learned Additional Public Prosecutor further submitted that the petitioner and the victim girl are married.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioner had already married the victim girl and the petitioner had already suffered incarceration for more than 29 days, this Court is inclined to grant bail on the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthangarai, Krishnagiri District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police as and when required.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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

-sd/-

08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI,
KRISHNAGIRI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

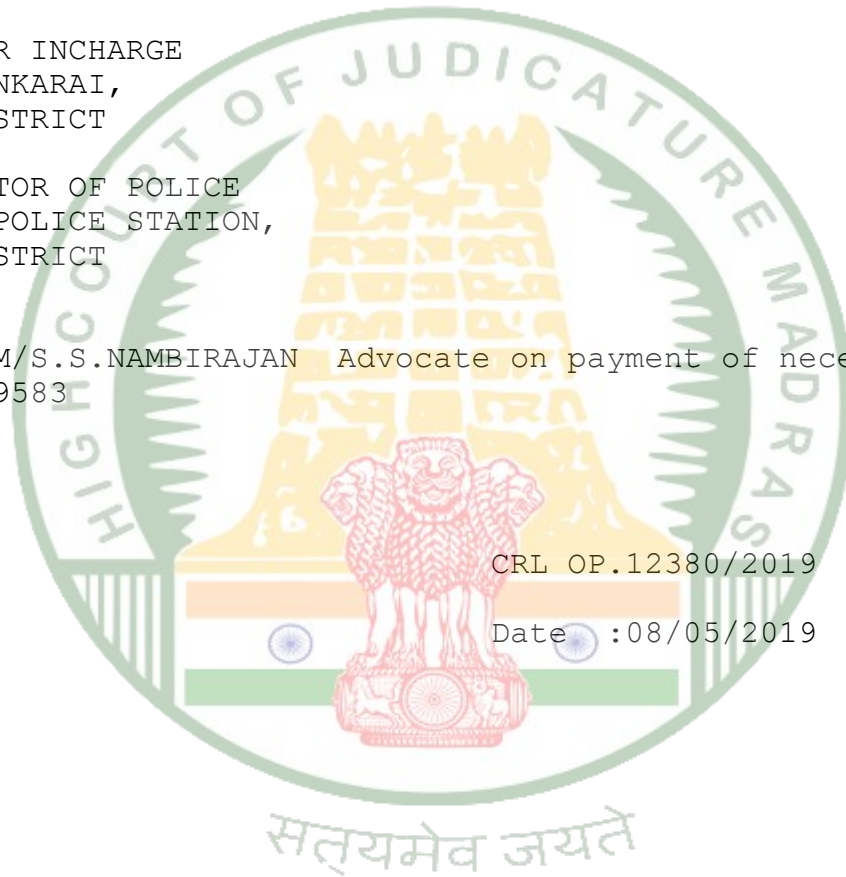
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB JAIL, UTHANKARAI,
KRISHNAGIRI DISTRICT

5 THE INSPECTOR OF POLICE
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT

+1 CC to M/S.S.NAMBIRAJAN Advocate on payment of necessary
charges SR.NO.9583

cm 09/05/2019



WEB COPY