



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

Friday, the Fifteenth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3988 of 2019

SUDALAI

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.21 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABU Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

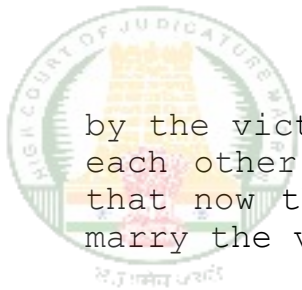
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 02.02.2019 for the offence punishable under Sections 366(A) of IPC @ 3(a)r/w.4 of POCSO Act 2012 in Cr.No.21 of 2019, on the file of the respondent police, seeks bail.

2.The defacto complainant is the mother of the victim. The case of the prosecution is that the petitioner and the defacto complainant's daughter loved each other, for which the defacto complainant had warned the petitioner, thereafter the petitioner had kidnapped the defacto complainant's daughter. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that both the petitioner and the defacto complainant's daughter are lovers and they decided to marry and she left her home and joined with the petitioner and hence he prayed for bail

4.The learned Additional Public Prosecutor appearing for the State did not dispute the fact submitted by the learned counsel for the petitioner. He has also produced the 164 Cr.P.C statement given



by the victim, in which she has clearly stated that they both loved each other and she voluntarily left the home. He would also submit that now the victim girl is secured and the petitioner is ready to marry the victim after she attains majority.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the victim is secured and considering the fact that the petitioner is willing to marry the victim after she attains majority, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Mahalir Neethimandram, Thoothukudi and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 daily daily at 10.30 a.m until further orders;

(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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

15/03/2019

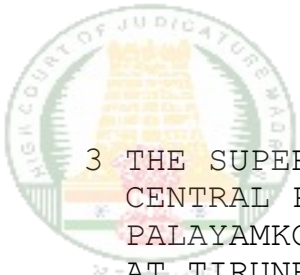
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
MAHALIR NEETHIMANDRAM, THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI JAIL
AT TIRUNELVELI.

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

+1 CC to M/s.M.PRABHU, Advocate (SR-4916[I] dated 15/03/2019)

ORDER

IN

CRL OP(MD) No.3988 of 2019

Date :15/03/2019

JM/VR/SAR 2/15.03.2019/3P/6C