



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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5590 of 2019

CHANDRU

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.165/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ANAND, 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 19.03.2019 for the offence punishable under Section 366 (A) IPC in Crime No.165 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant has filed this complaint, as if his daughter was missing. Thereafter, the Law Enforcing Agency has registered the case and secured the victim girl.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. In fact, the defacto complainant's daughter and the petitioner are close relatives, thereby, there is no physical relationship in between them. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the state did not dispute the fact disclosed by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that there is no physical assault against



the victim girl, 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 Judicial Magistrate No.I, 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 at 10.30 a.m., until further orders for interrogation;

(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/-

15/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE
SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.ANAND Advocate SR.No.6782

ORDER IN
CRL OP(MD) No.5590 of 2019
Date :15/04/2019