



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6639 of 2019

MATHANKUMAR,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
KALLIMANTHAYAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.34 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 12.04.2019 for the offence punishable under Section 363 of IPC and 5(1) & 6 of POSCO Act, 2012 in Crime No.34 of 2019, on the file of the respondent police, seeks bail.

2.Heard Mr.D.Venkatesh, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that on 09.04.2019, the daughter of the *de facto* complainant has gone missing with the petitioner due to love affair and thereafter, the respondent police secured the victim girl and the petitioner was arrested and remanded to judicial custody on 12.04.2019. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that the daughter of the *de facto* complainant had voluntarily went along with the petitioner. According to the petitioner, it is only a love affair but at the instance of the parents of the victim, this complaint has been foisted. The victim has also given her statement before the learned Judicial Magistrate, Oddanchatram on 06.05.2019.



5. The learned Government Advocate (Crl. Side) opposes for the grant of bail that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case and the victim has been recovered and her statement was also recorded and that he is in jail for 33 days, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of Mahalir Court, Dindigul and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
15/05/2019

/ TRUE COPY /

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

TO

1. THE JUDGE, MAHALIR COURT,
DINDIGUL.

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



2. THE INSPECTOR OF POLICE,
KALLIMANTHAYAM POLICE STATION,
DINDIGUL DISTRICT.

3. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.8444

ORDER

IN

CRL OP (MD) No.6639 of 2019

Date :15/05/2019

MRN

PK/JC/SAR-2/17.05.2019 : 3P/6C