



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.7107 of 2019

PRASATH

... PETITIONER/ACCUSED

Vs

STATE REPRESENTED BY,
SUB INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 106 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SEEMARAJ 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 31.03.2019 for the offence punishable under Section 366 (A) of IPC r/w 5(1) & 6 of POSCO Act in Crime No.106 of 2019, on the file of the respondent police, seeks bail.

2.Heard Mr.K.Seemaraj, 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 21.03.2019, 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 31.03.2019. 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 this petitioner was arrested and remanded to judicial custody on 31.03.2019. He is languishing in the jail for the past 45 days.

<https://hservices.ecourt.gov.in/hcservices/>, there is no bad antecedent against the petitioner.



5. The learned Government Advocate (Crl. Side) opposes for the grant of bail as the investigation is yet to be completed. However, he admits that substantial portion of investigation is over.

6. Taking into consideration of the fact that the substantial portion of the investigation is over and also the fact that the petitioner has already suffered incarceration for more than 45 days, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

7. 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 Court of Sessions Judge, Mahalir Court, Madurai 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 as and when required;

[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

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

1. THE SESSIONS JUDGE,
MAHALIR COURT, MADURAI



2.SUB INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

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

+1. CC to M/S.K.SEEMARAJ Advocate SR.No.8311

ORDER

IN

CRL OP (MD) No.7107 of 2019

Date :15/05/2019

STS

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