



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

Date : 01/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.10688 of 2019

1.Perumal
2.Muthu Madasamy ... Petitioners/Accused Nos 1 and 2

Vs

State through
The Inspector of Police,
Sampavar Vadakarai Police Station,
Tirunelveli District.
Crime No.134 of 2019 ... Respondent/Complainant

For Petitioners : M/s.S.Ramesh Babu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 134 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 354,366 of IPC and Section 4 of TNPHW Act.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the second petitioner is the friend of the first petitioner. He would further submit that the first petitioner and the defacto complainant loved each other and the parents of the defacto complainant have not accepted the same and hence at the instigation of her parents she lodged a false complaint against the petitioners. He further submitted that no such occurrence has taken place as alleged by the prosecution. He further submitted that the petitioners were arrested and remanded to judicial custody on 16.07.2019 and from that date onwards they are in custody. He



further submitted that by this time a major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor fairly conceded that the first petitioner and the defacto complainant loved each other. Further he submitted that the petitioners have abducted the victim girl only with a view to perform marriage to the first petitioner. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that the injured was already discharged from the hospital.

5. Taking into consideration of the aforesaid submission made by the learned Additional Public Prosecutor that the first petitioner and the defacto complainant loved each other and also the fact petitioners are in custody for the past 15 days and by this time a major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Senkottai.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners 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/-

01/08/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SENKOTTAI

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
SAMPAVAR VADAKARAI POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.

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

+1. CC to Mr.S.RAMESH BABU Advocate SR.No.79046

ORDER

IN

CRL OP (MD) No.10688 of 2019

Date : 01/08/2019

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TK/VR/SAR.2/01.08.2019/3P/7C