



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/02/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3365 of 2020

Kandhan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(Crime No.11/2020)

... Respondent/Complainant

For Petitioner : M/s.S.R.Durai Raj, Advocate.
For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 11/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

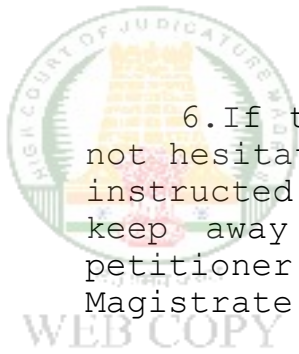
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 14.02.2020 for the offences punishable under sections 366, 342, 294(b), 352 and 506(ii) of I.P.C., and Section 4 of TNPWH Act, in Crime No.11 of 2020 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the petitioner abducted the victim for compelling her to marry the bridegroom of his choice.

4. It appears that there is a considerable age difference between the victim and the intended bridegroom. In the FIR, it is not mentioned that the petitioner misbehaved with the victim. Therefore, I am inclined to show some indulgence.

5. The petitioner through his counsel gives an undertaking that the petitioner will totally keep off from the victim. In other words, the petitioner will not get in touch with the victim.



6.If the petitioner breaches this undertaking, this Court will not hesitate to cancel the bail now granted. The petitioner is also instructed to execute proper affidavit in this regard that he will keep away from the victim, after he comes out on bail. The petitioner shall file an affidavit before the jurisdictional Magistrate.

7.Subject to this condition and recording the petitioner's undertaking, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
25/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION, TIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3951[I] dated 25/02/2020

ORDER
IN
CRL OP(MD) No.3365 of 2020
Date :25/02/2020