



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

Date : 17/06/2020

PRESENT

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

CRL OP(MD) . No.5963 of 2020

R.Gurunathan ... Petitioner/Accused

Vs

1. State of Tamil Nadu,
Rep. by The Inspector of Police,
Athanakottai,
Pudukkottai District
Crime.No. 46 of 2020. ... Respondent/Complainant

2. Manimegalai ... Intervener/De-facto complainant
in CRL OP(MD) 3278 of 2020.

For Petitioner : M/s. B.Balamurugan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

For Intervener : Mr.R.M.S.Sethu Raman,
Advocate

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

PRAYER :-

For Bail in Crime.No. 46 of 2020 on the file of the Respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, learned Counsel appearing for the intervener and the learned Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioner is arrayed as Accused No.4. He was arrested and remanded to Judicial Custody on 13.05.2020, for the offences punishable under sections 366(A) IPC @ 109 r/w 366(A) IPC & Section 5(I), r/w 6 of POCSO Act 2012 and Section 9 of Child Marriage Act 2006, in Crime No.46 of 2020, on the file of the respondent police.



3. The case of the prosecution is that on 07.04.2020, the petitioner kidnapped the minor daughter of the defacto complainant and got married. Based on the complaint, a case in Crime No.46 of 2020, on the file of the respondent Police has been registered.

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4. The learned counsel appearing for the petitioner would submit that the petitioner fell in love with the defacto complainant's daughter by name Pirasanna, who born on 25.04.2002, and is studying in B.Com., at Pudukkottai. Since the defacto complainant did not accept their love, the petitioner and the girl, got married on 27.04.2020. Subsequently, the petitioner was arrested and remanded to judicial custody on 12.05.2020 onwards.

5. The learned Government Advocate (criminal side) appearing for the State, on instructions, would submit that in this case, the petitioner is arrayed as A4. The petitioner kidnapped the minor daughter of the defacto complainant and got married and the investigation is almost completed.

6. Considering the facts and circumstances of the case and also considering the fact that it is a matter of lover affairs, the petitioner got married the defacto complainant's minor daughter and the petitioner is in judicial custody from 12.05.2020, I am inclined to grant bail to the petitioner, subject to certain conditions;

(i) 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 learned Sessions Judge, Mahila Court, Pudukkottai ;

(a) The sureties shall affix their photographs and left thumb impression in the surety bond and the 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 10.00 a.m., for a period of two weeks and thereafter, as and when required, 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/-
17/06/2020

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

TO

1. THE SESSIONS JUDGE,
MAHILA COURT,
PUDUKKOTTAI.
2. THE OFFICER IN CHARGE,
DISTRICT SUB JAIL,
PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
ATHANAKOTTAI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5963 of 2020
Date :17/06/2020

MPK
SRS/ JC/ SAR-II/ 17.06.2020/ 3P/5C