



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6866 of 2020

Vimal Prabu

... Petitioner/sole Accused

Vs

State Rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.132/2020

... Respondent/Complainant

For Petitioner : M/s R.Pon Karthikeyan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.no.132 of 2020 in the file of the Respondent Police.

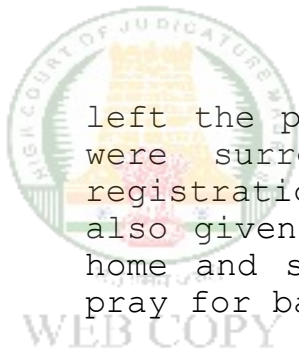
ORDER : The Court made the following order :-

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

2.The petitioner is a sole accused. He was arrested and remanded to Judicial Custody on 04.06.2020 for the offences punishable under Sections 366(A) of I.P.C., and Section 6 r/w Section 5(1) of POCSO Act, 2012 and Section 9 of the Child Marriage Act, 2006 in Crime No.132 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the victim girl, who is a minor, and the petitioner is in love and she was kidnapped by the petitioner for getting married. Hence, a complaint.

4.The learned counsel for the petitioner would submit that the petitioner did not kidnapped the victim girl and she voluntarily



left the parental home and that the victim girl and the petitioner were surrendered before the police station, on the date of registration of FIR. He would further submit that the victim girl also given statement that she on her own willing left the parental home and she was not kidnapped. Hence, the learned counsel would pray for bail for the petitioner.

5.The learned Government Advocate(Crl.side) would submit that minor girl was kidnapped for getting married. He would further submit that investigation is pending.

6.Taking note of the above facts and circumstances of the case and also taking note of the statement of the victim girl, 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 his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police on every Monday at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6866 of 2020

Date : 09/07/2020

MS/PN/SAR-3/09.07.2020/3P.6C