



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

Date : 14/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9693 of 2020

Arun Prasath

... Petitioner/A-4

Vs

The State rep.by
The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
Crime No.352 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.K.Manickam,
Advocate.

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

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

PRAYER :-

For Bail in Cr.No.352 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 02.09.2020 for the alleged offence under Section 366 of IPC.

2. There are totally four accused in this case and the petitioner herein is arrayed as A4. The victim girl in this case is the daughter of the defacto complainant. The case of the prosecution is that A1 in this case was in love with the victim and he along with other accused abducted the victim girl and without her consent A1 married the Victim girl Based on the complaint given by the father of the victim the present case has been registered

3. The learned counsel for the petitioner would submit that the victim was in love with A1 and the petitioner herein being friend of A1 has been falsely implicated in this case. He would also submit that A1 got married the victim girl and now the victim girl



4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein along with A1 forcibly abducted the victim girl and A1 without the consent of the victim has married her. He would also submit that the victim was now secured.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is only friend of A1 and only A1 got married the victim and also the fact that victim was secured and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi

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 as and when required for interrogation.

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/-
14/09/2020

/ TRUE COPY /

/ /2020
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 concerned.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, KADALADI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SAYALGUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE
SUB JAIL, PARAMAKUDI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9693 of 2020
Date :14/09/2020

aav
TK/JC/SAR.4/14.09.2020/3P/6C