



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

Date : 04/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12303 of 2020

Kavikumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanthapuram District.
Crime No.270 of 2020

... Respondent/Complainant

For Petitioner : M/s.C.Senthil Murugan, Advocate.
For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

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

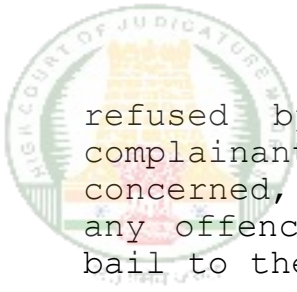
PRAYER :- For Bail in Crime No. 270 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.09.2020 for the offences punishable under Sections 366 (A) and 109 of IPC, in Crime No. 270 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution is that when the 1st accused fell in love with the victim girl aged about 17 ½ years. On instruction given by the victim girl, she was abducted by the 1st accused along with his friends and the friends of the 1st accused compelled her to stay in hotel at Ramanathapuram. The defacto complainant namely the father of the victim girl along with police man, rescued the victim girl from hotel.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl both are fell in love and only on her instructions, the abduction was conducted by the 1st accused namely the petitioner herein. When the 1st accused arranging money and he directed his friends to take her to Ramanathapuram and his friends compelled her to stay hotel at Ramanathapuram, and the same was



refused by her. Thereafter, she was rescued by the defacto complainant and police officials. Insofar as the petitioner is concerned, except love affair with the victim girl, nothing to do any offence as alleged by the prosecution. Hence, he prayed for bail to the petitioner.

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4. The learned Government Advocate(Crl.Side) would submit that there are totally 5 accused, in which, the 1st accused fell in love with the victim girl and abducted her along with his friends and also taken her to Ramanathapuram and compelled her to stay at hotel. Thereby, a complaint was lodged by the father of the victim girl and thereafter, she was rescued. He further submitted that insofar as the accused Nos.2 to 5 is concerned they were absconded and yet to be arrested. Hence, he opposed to grant bail to the petitioner.

5. It is seen that there are totally 5 accused. The petitioner is arrayed as A1. The 1st accused fell in love with the victim girl aged about 17 ½ years and the petitioner along with their friends abducted the victim girl. When the friends of the 1st accused compelled her to stay in hotel at Ramanathapura, the father of the victim girl lodged a complaint and thereafter, the respondent police rescued her. Insofar as the petitioner is concerned he was arrested and remanded to judicial custody on 27.09.2020. On perusal of statement, except love affair, there was no physical relationship between the petitioner and the victim girl.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the Sessions Court (Fast Track Mahila Court) Ramanathapuram.

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 daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for introgation.

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 concerned.

TO

1. THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), RAMANATHAPURAM.
2. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION, RAMANTHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12303 of 2020

Date : 04/11/2020

MS/VR/SAR-2/04.11.2020/3P.5C