



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13776 of 2020

1. Dinesh Kumar
2. Sivakami
3. Venkguttu @ Venkateshwaran
4. Muthupandi ... Petitioners/Accused Nos.1,2,7 & 8

Vs

State Rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.664 of 2020

... Respondent/Complainant

For Petitioners : M/s.V.Kannan,
Advocate.

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

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

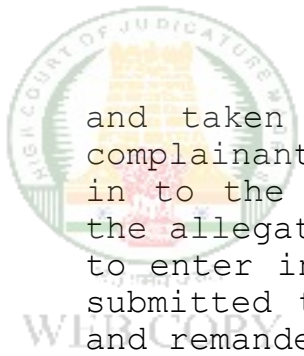
PRAYER :- For Bail in Crime No 664 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1,2,7 and 8 , who were arrested and remanded to judicial custody on 25.10.2020 for the offences punishable under Sections 147, 448, 294(b), 323,324,366,506(ii) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that on 21.10.2020 the accused persons unlawfully assembled with deadly weapons, abused the defacto complainant using filthy language and assaulted him with deadly weapons and also committed the offence of kidnapping. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first accused fell in love with the victim girl. Thereafter the parents of the victim refused to get marry the victim girl with the first accused, whereafter the victim girl voluntarily left her house



and taken asylum in the petitioner's residence. Now the defacto complainant had given colour as if the petitioners have trespassed in to the house and kidnapped the victim girl. Even assuming that the allegations are true is not possible for all the accused persons to enter into the house of the victim and kidnapped her. He further submitted that all the family members of the accused were arrested and remanded to judicial custody. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners along with other accused persons trespassed into the house of the defacto complainant abused him in filthy language and also had kidnapped the victim girl.

5.It is seen that there are totally nine accused in this case and the petitioners herein are arrayed as A1,2,7 and 8. According to the case of prosecution the petitioners along with others trespassed into the house of the victim and kidnapped her. It is seen that the parents of the victim had arranged marriage for the victim girl and also fixed their marriage on 26.10.2020. According to the petitioners the first accused fell in love with the victim girl and she on her own left the house and came to the petitioner's residence. However now the victim girl got married with other person and living happily.

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 petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions

[a] the petitioners 1 to 3 shall file an affidavit that they will not interfere with the life of the victim in future before the Additional District Munsif cum Judicial Magistrate, Manamadurai

[b] On receipt of such affidavit, each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Additional District Munsif cum Judicial Magistrate, Manamadurai

[c] after coming out from prison if the first petitioner interfere with the life of the victim the bail granted to the first petitioner shall stand cancelled automatically and the respondent police is directed to secure the accused and proceed in accordance with law.

[d] 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



[e] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[f] the petitioners shall not tamper with evidence or witness.

[g] the petitioners shall not abscond during trial.

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/12/2020

/ 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.

TO

1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, MANAMADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.13776 of 2020
Date : 02/12/2020

MS/AKM/SAR-3/03.12.2020/3P.6C