

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 12.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.8891 of 2021

Sivamani

... Petitioner/Accused No.3

Vs

State Rep. By
Inspector of Police,
Kallavi Police Station,
Crime No.58 of 2021.

... Respondent/Complainant

For Petitioner : M/s.A.Ramesh Advocate.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

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

PRAYER :- To enlarge the Petitioner/Accused No.3 on bail in pending investigation in Crime No.58 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 20.04.2021 for the offences punishable under Sections 366(A) and 511 of IPC in Crime No.58 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 loved the victim girl in this case and this petitioner assisted A1 to kidnap the victim girl from the lawful guardian. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that A1 and A2 are minors and they have been set free by the Juvenile justice Board and he strongly opposed to grant bail to this petitioner.

5. Taking note of the fact that this is a case of love between two minors i.e. A1 and the victim girl and the allegation against the petitioner is that he assisted A1 to abduct the minor victim girl and also the fact that he is in custody from 20.04.2021, this Court is inclined to grant bail to the petitioner.

6. 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthangarai and on further condition that:

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 10.30 am., until further orders.

c) the petitioner shall not abscond either during investigation or trial.

d) the petitioner shall not tamper with evidence or witness 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].

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

-sd/-

12/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY
WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KALLAVI POLICE STATION,
KRISHNAGIRI.

4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

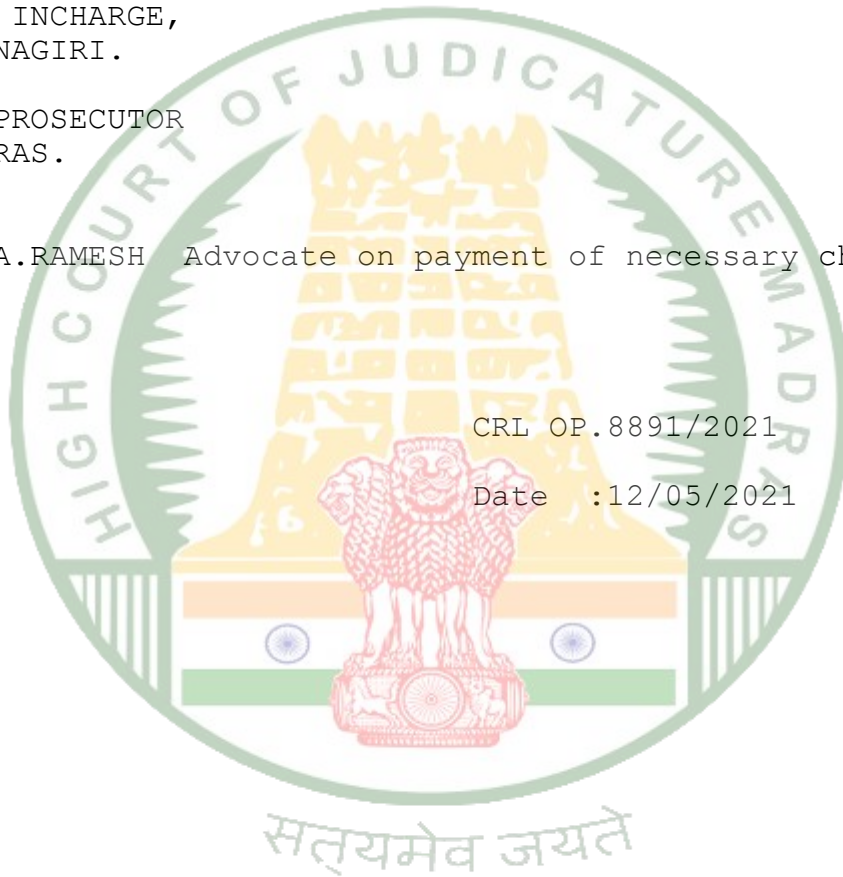
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S A.RAMESH Advocate on payment of necessary charges

CRL OP.8891/2021

Date :12/05/2021

MN-13/05/2021



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