



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3253 of 2021

1. T.Kathiresan
2. K.Kottaisamy
3. T.Babu
4. S.Prabakaran

... Petitioners/Accused Nos.2 to 5

Vs

The State through
The Sub Inspector of Police,
Bodinayakanoor Town Police Station,
Theni District.

In Crime No.50/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Malaikani,
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. 50 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who were arrested and remanded to
judicial custody on 13.02.2021 for the offence punishable under
Sections 366(A) IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners herein
along with other accused kidnapped the daughter of the defacto
complainant. Initially the case was registered under Girl Missing
and after investigation the case has been altered to Section 366(A)
of IPC. Hence the complaint.

3.The learned counsel for the petitioners would submit that
the daughter of the defacto complainant namely K.Subbulakshmi on her

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own left the parental home and joined with the hands of the first petitioner's son/Thayalan. The petitioners herein are innocent and they have been falsely implicated in this case. hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioners herein along with other accused kidnapped the daughter of the defacto complainant and got married with one Thayalan. He would also submit that it is an inter caste marriage.

5. It is seen that the petitioners herein are parents and relatives of one Thayalan with whom the the daughter of the defacto complainant was in love and they both eloped from the home even before she attained majority. After the said Subbulakshmi attaining majority marriage between them was held in Palani Temple and these petitioners have been arrested on the charge of kidnaping and abetment. It is an inter caste marriage and the said marriage was not accepted by the defacto complainant's family and her daughter Subbulakshmi has filed a petition before this Court in Crl.O.P(MD) No. 3212 of 2021 seeking police protection to her life, her husband and his family members and this Court by an order dated 02.03.2021 has ordered police protection.

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:

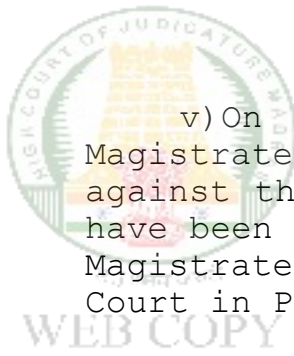
7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (common sureties) each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakanoor, Theni District

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 petitioners shall report before the Deputy Superintendent of Police, Bodi at 10.30 am., from 15.03.2021 for a period of five days and thereafter as and when required for interrogation. Further the Deputy Superintendent of Police is directed not only to give police protection but also to amicably settle the issue and iron out the difference between the parties.

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

iv) the petitioners 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 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].

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

sd/-

02/03/2021

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/ /2021

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 JUDICIAL MAGISTRATE,
BODINAYAKANOOR, THENI DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUB INSPECTOR OF POLICE,
BODINAYAKANOOR TOWN POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE DEPUTY SUPERINTENDENT OF POLICE, BODI.

+1 CC to Mr.S.MALAIKANI, Advocate (SR-1663[I] dated 02/03/2021)

ORDER

IN

CRL OP(MD) No.3253 of 2021

Date : 02/03/2021

AAV

MS/PN/SAR-IV (02/03/2021) 3P / 8C