



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

Date : 09/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7490 of 2021

1. Sankar
2. Raja ... Petitioners/Accused 2 & 3

Vs

State Rep.by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.
Crime No.151 of 2021. ... Respondent/Complainant

For Petitioners: Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.151 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to
judicial custody on 30.04.2021 for the offences punishable under
Section 366-A of IPC in Crime No.151 of 2021 on the file of the
respondent police, seek bail.

2.The case of the prosecution is that the first accused in this
case, namely, Sankar and the victim girl, namely, Gousin Banu are
lovers and the specific allegation against these petitioners is that
they helped the first accused to elope with the victim girl. Both
A-1 and the victim girl have not been secured yet. Hence, the
complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are no way responsible for the elopement of A-1 and the
victim girl and they have been falsely implicated in this case. He
would further submit that the petitioners are in judicial custody
from 30.04.2021 and that the first petitioner's wife is in advanced
stage of pregnancy and the second petitioner's marriage was



scheduled to be held on 28.05.2021 and due to his incarceration, his marriage was stopped.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the investigation in this case is not completed.

5.Taking note of the facts and circumstances of the case and also the fact that the role alleged to have been played by these petitioners and that the petitioners are in judicial custody from 30.04.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioners after their release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and 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 learned Judicial Magistrate, Palani. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 respondent police daily at 10.30 am., until further orders.

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 petitioners 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/-

09/06/2021

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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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, PALANI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7490 of 2021
Date :09/06/2021

SJI
MS/PN/SAR-2/09.06.2021/3P.6C