



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7868 of 2021

D.Thambidurai

... Petitioner/Accused No.8

Vs

The State rep. by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Crime No. 147/2021.

... Respondent/Complainant

For Petitioner : Mr.Sivabalan.K.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

For Intervenor : Mr.K.Neethimohan

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

PRAYER :-

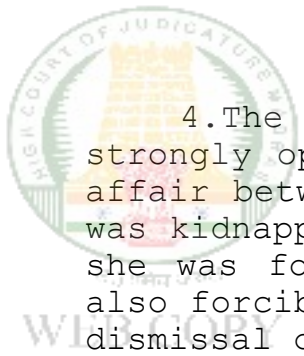
For Bail in Crime No.147 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 25.02.2021 for the offences punishable under Section 366(A) IPC altered into Section 366(A) IPC and Sections 3(a), 4, 5(1), 6 POCSO Act in Crime No.147 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's daughter was missing from 04.00pm., on 24.04.2021. On enquiry she found that the accused had kidnapped her with an intention to marry her to some other person. Later it came to know that the daughter Renuga, who is aged about 17½ was forcibly married to one Thambithurai, who is the petitioner herein. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other and the victim girl left her home on her own volition and married this petitioner. Therefore, he seeks bail to the petitioner.



4.The learned counsel for the intervenor/defacto complainant strongly opposed this petition on the ground that there is no love affair between the petitioner and the victim girl. The victim girl was kidnapped from the lawful custody of the defacto complainant and she was forcibly given in marriage to this petitioner and he had also forcible physical relationship with her and therefore, he seeks dismissal of this petition.

5.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that this case was registered only on 25.04.2021 and investigation is not completed.

6.Perusal of Section 164 Cr.P.C., statement of the victim shows that she was forcibly taken in a car and married to this petitioner and he had also physical relationship with her, against her wish. Taking all these factors into consideration and the fact that the investigation in this case is in preliminary stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
18/06/2021

/ TRUE COPY /

/ /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 SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
2. THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.7868 of 2021
Date :18/06/2021

GNS

<https://hcmr.cesep.in/SdR-in-TcrServices/3.06.2021/2P/4C>