



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

Date : 11/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11188 of 2021

Sivasamy, ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District. ... Respondent/Complainant

For Petitioner : M/s.Suresh M,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

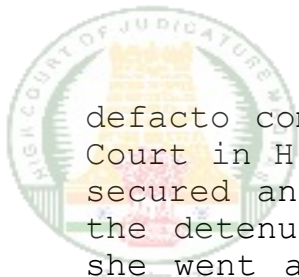
For Bail in Crime No.23 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 11.07.2021, for the offences punishable under Section 363 IPC altered into Sections 366(A) of IPC, Sections 5(1) r/w. 6(1) of POCSO Act and 9 of Prohibition of Child Marriage Act, 2006, in Crime No.23 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have kidnapped the defacto complainant's daughter.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl are neighbours. On the compulsion of the respondent, he eloped with her. At the instance of the



defacto complainant, a Habeas Corpus Petition was filed before this Court in H.C.P.(MD)No.345 of 2021. Thereafter, the victim child was secured and she was produced before this Court. Before this Court, the detenue has also specifically stated that on her own volition, she went along with the petitioner and she had a love affair with him.

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4. The learned Government Advocate (Crl. Side) submitted that the investigation is yet to be completed.

5. Considering the fact that the victim/detenue has specifically stated before this Court that on her own volition, she went along with the petitioner and she had a love affair with him and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. 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, Thirumayam, Pudukottai District and on further conditions 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 as and when required for interrogation.

[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/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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<https://hcservices.ecourts.gov.in/hcservices/>



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, Thirumayam,
Pudukottai District.
2. Do Through
The Chief Judicial Magistrate,
Pudukottai District.
3. The Officer Incharge, Sub Jail, Thirumayam,
Pudukottai District.
4. The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.11188 of 2021
Date : 11/08/2021

TR/VR/SAR-I(11.08.2021) 3P 6C