



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

Date : 24/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.12089 of 2021

D.THAMBIDURAI

... PETITIONER/ACCUSED NO.8

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION
TRICHY DISTRICT
(CRIME NO. 147 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.SIVABALAN K,
ADVOCATE.

FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

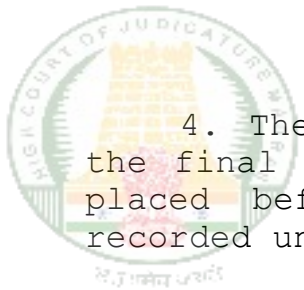
For Bail in Crime No.147 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested on 26.05.2021, for the offences punishable under Sections 366(A) I.P.C @ Section 366(A) I.P.C and Sections 3(a), 4, 5(1) and 6 of 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 namely Renuka was missing. On enquiry, the respondent police found that the accused persons had kidnapped her with an intention to marry her to some other person. Later, it came to know that the victim, who is aged about 17 ½ was forcibly married to one Thambidurai, who is the petitioner herein. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in jail for the past 90 days and hence, he may be granted bail.



4. The learned Government Advocate (Crl. Side) submitted that the final report is yet to be filed, however, the victim has been placed before the Magistrate concerned and her statement was recorded under Section 164 Cr.P.C.

5. Considering the facts and circumstances of the case, the fact that the final report is yet to be filed by the respondent police and also the fact that the petitioner is inside the prison for the past 90 days, this Court is of the view that the petitioner is entitled for grant of statutory bail.

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 Additional Mahila Court (Magistrate Level), Trichy 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/-

24/08/2021

/ 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 ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL), TRICHY
2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION
TRICHY
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.K.SIVABALAN, ADVOCATE (SR-5652[I]
DATED 24/08/2021)

ORDER
IN
CRL OP (MD) No.12089 of 2021
Date :24/08/2021

GC/JC/SAR-III/24/08/2021/3P/7C