



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

Date : 16.09.2021
PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13701 of 2021

1.Kalaiarasan
2.Sudalai Kannan

... Petitioners/Accused Nos.2 & 3

Vs

The State rep. by,
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime.No.163 of 2021).

... Respondent/Complainant

For Petitioners : Mr.R.MAHESWARAN, Advocate
for Mr.C.SUSI KUMAR, Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor(crl.side)

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

PRAYER :-

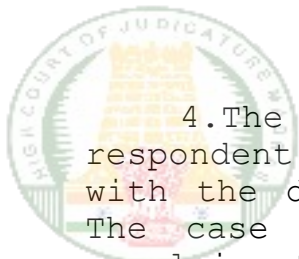
For Bail in Crime No.163 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3 herein, who were arrested on 14.08.2021 for the alleged offence under Sections 366 (A) and 109 of I.P.C, in Crime No.163 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 29.07.2021 at about 10.30 a.m. one Muganeshwari the victim, who went to a nearby shop, had not returned home. After searching for her, her mother lodged a complaint before the respondent police station.

3.The learned counsel for the petitioners would submit that accused No.1 had taken the victim girl in a two wheeler bearing registration No.TN 95 B 0239 Bajaj CT 100, when she went to the shop. Based on the confession statement of A1, the petitioners were implicated in this case. He would further state that the petitioners are unaware of the love affair between the A1 and the victim.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that accused No.1 had an love affair with the daughter of the defacto complainant and eloped with her. The case was registered on the complaint made by the defacto complainant. This petitioners are the friends of A1 and therefore, they are also arrayed as accused. He would further submit that the defacto complainant filed a Habeas corpus petition in H.C.P.(MD). No.1079 of 2021 and on 03.09.2021, the victim was produced by the respondent police, before the Court and the victim stated that she is major and she had love affair with A1. In view of the submission made by the victim, the Habeas Corpus petition has been closed.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi and on further condition 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 petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any such offence in future.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

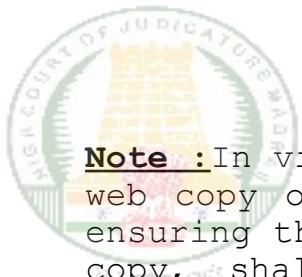
sd/-

16/09/2021

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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 NO.I
SIVAKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT SRIVILLIPUTHUR.
3. THE OFFICER INCHARGE
SUB JAIL, THENI.
4. THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13701 of 2021

Date : 16/09/2021

SA/VR/SAR.4/16.09.2021/3P/6C