



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.13704 of 2021

Nagaraj ... Petitioner/Sole Accused

Vs

The State rep. by,
The Sub Inspector of Police (L & O),
Sellur Police Station,
Madurai City.
(Crime.No.274 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.SARAVANA BAGAVATHY
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.274 of 2021 on the file of the Respondent police.

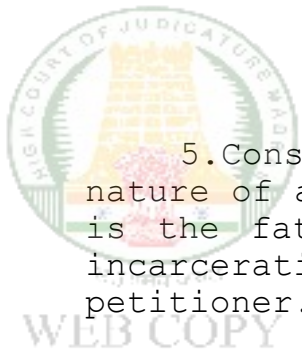
ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 26.08.2021 for the alleged offence under Section 366-A of I.P.C, in Crime No.274 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter eloped with the son of this petitioner. On the complaint given by the defacto complainant a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner has nothing to do with the affairs of his son and he is also a victim in this case. However, at the instance of the defacto complainant, he has been arrayed as an accused.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that a habeas corpus petition is pending before this Court. The victim has not been secured till date.



5.Considering the facts and circumstances of the case, the nature of allegations as against the petitioner and the fact that he is the father of the accused and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional Maila Court and Sessions Court, Madurai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 Judge/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 Judge/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/-
16/09/2021

/ 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 JUDGE

ADDITIONAL MAHILA COURT & SESSIONS COURT, MADURAI.

2.THE SUPERINTENDENT

CENTRAL PRISON, MADURAI



3. THE SUB INSPECTOR OF POLICE (L&O),
SELLUR POLICE STATION,
MADURAI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13704 of 2021

Date :16/09/2021

SA/VR/SAR.4/16.09.2021/3P/5C