



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

Date : 21/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14013 of 2021

G.Manikanda Prabu

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi District.
Crime No.367 of 2021

... Respondent/Complainant

For Petitioner : Mr.V.S.Kishok Kumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.367 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 30.08.2021 for the offence under Section 366(A) I.P.C, Section 9 of Child Marriage Restraint Act, Section 6 r/w 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime.No.367 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is aged about 22 years, abducted the minor victim girl aged about 17 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits 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 judicial custody from 30.08.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police has furnished the statement recorded from the



victim under Section 164 Cr.P.C. He would submit that the substantial portion of investigation is completed.

5. On a reading of 164 Cr.P.C statement, it reveals that the victim girl and the petitioner loved each other, they have eloped and also attempted to marry. However, on the complaint, the victim girl was secured. Now, she is in the custody of the defacto complainant and has stated that without her knowledge, the marriage was organised.

6. Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., the stage of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Tenkasi and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 229-A IPC.

sd/-
21/09/2021

/ 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 JUDICIAL MAGISTRATE, TENKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
PAVOORCHATRAM, TENKASI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-6426[I] dated 21/09/2021)

ORDER

IN

CRL OP(MD) No.14013 of 2021

Date :21/09/2021

MSA

MS/VR/SAR-3/21.09.2021/3P.7C