



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

Date : 05/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15068 of 2021

Saravana Raj

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
In Crime No.386 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,
Advocate.
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

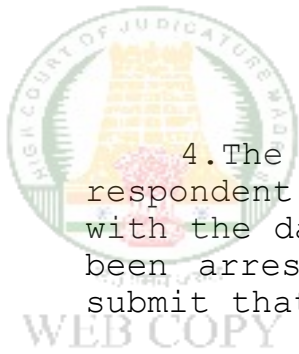
PRAYER :-For Bail in Crime No.386 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 31.08.2021 for the offence under Sections 366(A) and 109 I.P.C, in Crime.No.386 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused kidnapped the minor victim girl with the help of this petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the first accused and the defacto complainant's daughter loved each other and they have eloped. Since the petitioner is the brother of the first accused, a false case has been registered against him, without conducting any proper enquiry. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison from 31.08.2021 and hence, he sought for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner's brother eloped with the daughter of the defacto complainant and this petitioner has been arrested that he has facilitated the same. He would further submit that the victim girl is yet to be secured.

5.Considering the facts and circumstances of the case, the nature of the allegation levelled as against the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6.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 Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur 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 twice ie. at 10.30 a.m and 05.30 p.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/-

05/10/2021

/ 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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP(MD) No.15068 of 2021

Date :05/10/2021

MSA

MK/JM/SAR.I/05.10.2021/3P/5C