



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16645 of 2021

1. Irfan Ali
2. Aslam

... Petitioners/A1 & A2

Vs

State Rep.by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Cr.No. 517 of 2021.

... Respondent/Complainant

For Petitioners: Mr.K.Prabhu,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

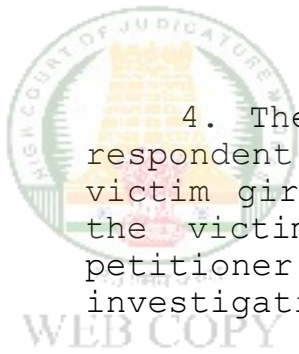
For Bail in Crime No.517 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 11.10.2021 for the offence under Sections 294(b), 323, 366(A), 506(ii) IPC and Sections 7, 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.517 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners kidnapped the victim girl at knife point. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the first petitioner and the victim girl loved each other. The petitioners have been falsely implicated in this case. The petitioners have no bad antecedent against them. He further submitted that the petitioners are in judicial custody from



4. The learned Additional Public Prosecutor appearing for the respondent police would contend that the first petitioner and the victim girl loved each other, which was opposed by the parents of the victim. Therefore, the victim girl eloped with the first petitioner. He would further submit that the substantial portion of investigation is completed.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the first petitioner and the victim girl loved each other and since the parents of the victim opposed for the same, she voluntarily eloped with the petitioner, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 Sessions Judge, Fast Track Mahila Court, Ramanathapuram 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 petitioners shall appear before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioners shall not abscond 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 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]**.

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

sd/-

28/10/2021

/ 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



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.

2 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.PRABHU K Advocate SR.No.7569

ORDER

IN

CRL OP(MD) No.16645 of 2021

Date :28/10/2021

MK/SKN/SAR 3/28.10.2021/3P-6C