



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

Date : 16/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17580 of 2021

Karthik

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
Crime No.402 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Maharaj,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.402 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.09.2021 for the offence punishable under Section girl Missing @ 366 of IPC, in Crime No.402 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the first accused kidnapped the victim girl with the help of this petitioner. The victim girl is aged about 15 years, therefore, the defacto complainant had lodged a complaint.

3.The learned counsel for the petitioner would submit that the first accused and the victim girl loved each other. He would further submit that the petitioner is a close friend of the first accused. He had transferred a sum of Rs.1000/- to the first accused account and other than that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from



4.The learned Additional Public Prosecutor would submit that the victim girl is aged about 15 ½ years and the petitioner along with other accused helped A1 to kidnap the victim girl. He would further submit that the victim girl has already been secured.

5.Considering the facts that the petitioner is in judicial custody from 27.09.2021 and that the major part of the investigation has already been completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate Court No.4, Tirunelveli, and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of one month thereafter, as and when required.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/11/2021

/ 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 JUDICIAL MAGISTRATE NO.4,
TIRUNELVELI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17580 of 2021
Date :16/11/2021

tta
MK/PN/SAR.I/16.11.2021/3P/6C