



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN
CRIMINAL ORIGINAL PETITION No.10659 of 2022

MANIKANDAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT
(CRIME NO.288/2021)

[RESPONDENT]

For Petitioner : M/S R.GOPINATH Advocate

For Respondent : M/s.G.V.Kasthuri (Additional Public Prosecutor)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A4 herein, who was arrested on 08.04.2022 for the offences punishable under Section 366(A) of IPC, in Crime No.288 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner/A4 herein along with four others had kidnapped the victim girl, who was the minor at the time of occurrence and forced her for the marriage with A1.

3. The learned counsel appearing for the petitioner submitted that the petitioner was arrested on 08.04.2022 and he filed a bail petition before the Principal District and Sessions Court, Cuddalore. The learned Principal District and Sessions Judge, Cuddalore had dismissed the bail petition on 29.04.2022. Now, the petitioner had filed the present petition seeking bail. He further submitted that the daughter of the de facto complainant and one Rajapandian, who was arrayed as A1, had fell in love and got married. Even the bride-groom and bride-maid families have got compromised on the matter and performed their marriage. The petitioner is no way connected with the case and false case has been foisted against him. Therefore, he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the other accused have kidnapped the girl who was 17 years old. Since the girl was a minor, the respondent police has registered the case against the petitioner herein and other accused in Crime No.288 of 2021 for the alleged offence punishable under Section 366(A) of IPC. The petitioner is arrayed as A4. She further submitted that the petitioner had admitted that the age of the girl, at the time of occurrence, was 17 years. Therefore, she opposed for grant of bail.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.

6. Even though the learned counsel appearing for the petitioner stated that both the boy and the girl's parents have got compromised and performed the marriage, the fact remains that the petitioner and the other accused had kidnapped a minor girl, who was aged about 17 years at the time of occurrence. Therefore this change of circumstances cannot be a ground for grant of bail. The statute has fixed the age as 18 years for a girl for marriage, but the accused had knowing fully well that the girl has not completed 18 years, involved in the said offence. Therefore if he is released on bail, it will be a bad precedence for others.

7. For the foregoing reasons, this Court is not inclined to grant bail to this petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

05/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

2 INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S R.GOPINATH Advocate on payment of necessary charges

CRL OP.10659/2022

Date :05/05/2022

RVR 06/05/2022