



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12064 of 2022

MANIKANDAN

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S. R.GOPINATH Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.04.2022 for the alleged offence under Section 366(A) of I.P.C in Crime No.288 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons had kidnapped the victim girl, who was a minor and she was forcibly married to A1. There are totally 5 accused persons in this case and the petitioner has been arrayed as A4.

3. The learned counsel for the petitioner submitted that the marriage had taken place between A1 and victim girl on 13.12.2021 and to substantiate the same, the wedding invitation was also produced before this Court. The learned counsel submitted that the petitioner has been unnecessarily roped in this case and he has already suffered incarceration for nearly 45 days.



4. Per contra, the learned Additional Public Prosecutor (Criminal Side) appearing on behalf of the respondent-police submitted that A1 and the victim girl are yet to be secured and the latest information received by the respondent-Police was that they are staying some where at kerala.

5. Taking into consideration the facts and circumstances of the case and also of the fact that A1 and the victim girl have eloped and got married and the petitioner had already suffered incarceration for nearly 45 days, no useful purpose will be served by keeping the petitioner behind bars and it will not in any way help the respondent-Police in making progress with the investigation.

6. In view of the above, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Virudhachalam and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Friday at 6.30 p.m. for a period of 8 weeks and thereafter as and when required.

[c] the petitioner shall not tamper with 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 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].



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

WEB COPY

-sd/-
23/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
VIRUDHACHALAM TALUK,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.GOPINATH Advocate on payment of necessary charges SR.NO. 7747

CRL OP.12064/2022

Date :23/05/2022

RW-24/05/2022