



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8087 of 2022

1. Selvinraja,
S/o. Chinnadurai

2. Selvakumar,
S/o. Sornaraj

... Petitioners/A2 & A3

Vs

The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
Crime No.209 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Indrachithu T,
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.209 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 13.04.2022 for the offences under Sections 366 and 109 IPC in Crime No.209 of 2022, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the first accused had love affair with the victim girl and earlier a case against the first accused was filed under Section POCSO Act and thereafter it alleged the first accused kidnapped the victim girl and the crime was committed by the first accused and therefore, the law enforcing authority has registered the case against the accused.

3. The learned counsel appearing for the petitioners would
<https://hcmis.courts.gov.in/hcmis/> there is no specific allegation attributed against the



petitioners, who are arrayed as A2 and A3 and the victim girl was secured and he prayed for granting bail to the petitioners.

4.The learned Additional Public Prosecutor on instructions would submit that no serious allegation has been attributed against the petitioners and crime was committed by the first accused.

5.Considering the facts and circumstances of the case and considering the period of incarceration and that there is no serious allegation attributed against the petitioners/A2 and A3, I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Thoothukudi, Thoothukudi District, and on further condition 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 petitioners shall report before the **respondent police daily at 10.30 a.m., until further orders;**

(c)the petitioners shall not tamper with 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/05/2022

/ TRUE COPY /

/ /2022
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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1.The Judicial Magistrate No.1, Thoothukudi, Thoothukudi District.

2.The Chief Judicial Magistrate, Thoothukudi.

3.The Officer incharge, Sub Jail,
Perurani, Thoothukudi District.

4.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District. Crime No.209 of
2022..

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.T.Indrachithu, Advocate, SR.No 4629

CRL OP(MD) No.8087 of 2022

Date :11/05/2022

KB/GSV/SAR IV(10.05.2022) 3P 7C