



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 15/07/2022
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.12563 of 2022

Harishkumar

... Petitioner/Sole Accused

Vs.

The State rep.by its
The Inspector of Police,
G.Vilakku Police Station,
Theni District.
(Crime No.85 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.SUNDARAPANDIAN, Advocate

For Respondent : Mr.B.THANGA ARAVINDH
Government Advocate(Criminal side)

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

PRAYER :- For Bail in Crime No.85 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested, on 23/05/2022 and remanded to judicial custody for the alleged offence punishable under section 363 @ 366 IPC, in Crime No.85 of 2012, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the victim and his daughter by name Srija Bharathi was found missing, on 24/03/2022 at about 3.00 pm, over which, a complaint was given before the Cudalur Police Station. On the basis of the complaint given by the de-facto complainant, the case was registered and the police searched the victim girl and the accused. On 25/03/2022 at about 12.00 noon, the victim girl was brought by another daughter Nagammal. She was taken to the police station and enquiry was made. The victim girl stated that since her father namely the husband of the de-facto complainant, scolded her, she went out of the home. Again on 08/05/2022 at about 4.00 pm, she went to a shop, but she did not return. Again a complaint was given, on 09/05/2022 by her husband. Again, she came to the house, on 10/05/2022 and again, she was taken to the police station. Even at that time, she was told that she went her sister's house. She was taken to the Government Hospital for medical check up. When she was



admitted in the hospital, she was again kidnapped and abetted. She is accused, over which, the case has been registered and the petitioner was arrested and remanded to custody, on 23/05/2022.

3. Seeking bail, this petition came to be filed on the ground that the victim girl as well as this petitioner fell in love with each other and she eloped with this petitioner, over which, a case in Crime No.94 of 2022 was registered. He was also released on bail. Again, she eloped with the petitioner. She was secured. When she was admitted in the hospital, she voluntarily came along with the petitioner. So according to him, it is not case of kidnaping.

4. The statement of the victim was also recorded. She has stated that she was fell in love with the petitioner, but that was not accepted by her parents. So, she voluntarily left the home on that date and went to the Cudalur along with the petitioner. She was taken by the petitioner to Kerala and they stayed in his mother's house. Later, she was sent to her house by the petitioner and his relatives, over which also, a second complaint was also given. When she was taken to the hospital for medical examination, she went only along with this petitioner. Again a complaint was given. When she was taken to the house, the parents did not permit them. So again, she was taken to Kumuli. At that time, the police secured them. This statement is heavily relied upon by the learned counsel appearing for the petitioner to show that this is not a case of abetment, but it is a case of elopement.

5. Perusal of the records shows that the age of the victim is 17 +, at the time of the alleged occurrence.

6. So, in view of the statement of the victim girl and also considering the period of incarceration of the petitioner, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aundipatti, Theni District and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

sd/-

15/07/2022

/ TRUE COPY /

15/07/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE
AUNDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE,
G.VILAKKU POLICE STATION,
THENI DISTRICT.

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

**ORDER
IN**

CRL OP(MD) No.12563 of 2022
Date :15/07/2022

SA/PN/SAR.1/15.07.2022/3P/6C