



WEB COPY

CRL OP(MD). N



22

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

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18986 of 2022

Vaikundarajan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Nanguneri
Tirunelveli District.
Crime No.16/2022.

... Respondent/Complainant

For Petitioner : M/s.Ebenezer T A,
Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

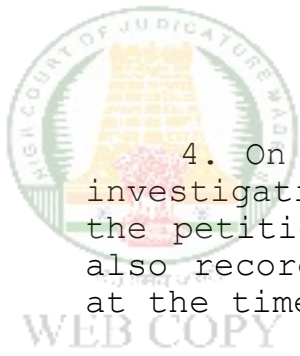
PRAYER :- For Bail in Crime No.16/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 27.09.2022 for the alleged offence under Sections 366 IPC, Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.16 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim who was aged about 17 years, was kidnapped by the petitioner to marry her. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and both the victim and the petitioner loved each other. In this case, investigation is almost completed. The petitioner is in custody from 27.09.2022. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that in this case, investigation is almost completed and there is love affair between the petitioner and the victim. Statement under Section 164 Cr.P.C also recorded from the victim. The victim was aged about 17 years at the time of occurrence and prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that major part of investigation is completed and the fact of love affair and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate, Nanguneri.

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

(ii) the petitioner shall appear before the respondent Police daily at 10:30am, until further orders;

(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 Judge/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 Judge/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/-
26/10/2022

/ TRUE COPY /

27/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.

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

+1. CC to M/S. EBENEZER T A Advocate SR.No.11922

ORDER IN

CRL OP(MD) No.18986 of 2022

Date :26/10/2022

PNM

MK/BUC/SAR. /27.10.2022/3P/7C