



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.23019 of 2022

Karuguvel

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
Cr.No.20/2022

... Respondent/Complainant

For Petitioner : M/s. Susi Kumar.C,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.20/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 26.10.2022 for the offence punishable under Section 366 IPC and Section 9 of Prohibition of Child Marriage Act and under Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012 in Crime No. 20 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 24.10.2022, victim girl was found missing from the defacto complainant's house. Therefore, the defacto complainant lodged the complaint before the respondent police. During the course of investigation, it reveals that the victim girl said to have eloped with the petitioner and both of them performed their marriage at Tuticorin and went to Chennai. Subsequently, the victim girl was secured.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl are known to each other for



a long time and there was a love affair between them. Since to the knowledge of the victim girl, the victim informed the petitioner by that both of them are eloped, while they were on the way to Chennai they were secured by the respondent police. He further submitted that major part of the investigation is over and 164 Cr.P.C., statement of the victim was recorded and there is no allegation of any sexual assault on the victim and the petitioner has surrendered voluntarily before the respondent and is in judicial custody from 26.10.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had kidnapped the minor victim girl and married her against her wish and he had also committed penetrative sexual assault on her and hence, he opposes to grant bail to the petitioner.

5. Heard and perused the materials on record including the 164 Cr.P.C., statement of the victim. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 26.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Nanguneri, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the respondent police daily at 10.30 am until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-

23/12/2022

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23/12/2022

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

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TRP

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. SUSI KUMAR.C Advocate SR.No.15447

ORDER

IN

CRL OP(MD) No.23019 of 2022
Date :23/12/2022

SA/VR/SAR. /23.12.2022/3P/7C