



WEB COPY

CRL OP(MD)



23

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

Date : 09/01/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.477 of 2023

Thamaraiselvam

... Petitioner/Accused No.1

Vs

The state rep.by
The Inspector of Police,
Ponnamaravathy Police Station,
Pudukottai District
(Crime No.266 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Gunasekaran.P,
Advocate.

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

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

PRAYER :-To enlarge the petitioner on bail in Spl.S.C.No.26 of 2022 on the file of the learned Sessions Judge, Mahila Court, Pudukottai in Crime No.266 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing a trial for the offence under Sections 366(A) and 109 of I.P.C r/w Sections 5(1) & 6(1) of POCSO Act, 2019 and Section 9 of Child Marriage Restraint Act 2006 in Spl.S.C.No.26 of 2022 on the file of the learned Sessions Judge, Mahila Court, Pudukottai in Crime No.266 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had kidnapped the victim girl with an intention to marry her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner was already arrested in Crime No.70 of 2019 for abducting the very same victim girl and the case is pending for trial in S.C.No.16 of 2019 and he is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks for bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that with regard to the first offence in respect of the very same victim girl, a case was registered and that was laid in S.C.No.16 of 2019 and he has been convicted sentenced to undergo life imprisonment and now he is in custody and during the pendency of the investigation second elopement occurred, over which, the present case has been registered. Hence,

5.Let the petitioner move an application at the appropriate time after getting the suspension order in the earlier case, since it has been stated that after the above said case, the petitioner and the victim girl got married and now, they are living together.

6.With the above said liberty, the Criminal Original Petition stands dismissed.

sd/-

09/01/2023

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/01/2023

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT,
PUDUKOTTAI
- 2 THE INSPECTOR OF POLICE
PONNAMARAVATHY POLICE STATION,
PUDUKOTTAI DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.477 of 2023

Date :09/01/2023

SJI

MK/MMS/SAR III(20.01.2023) 2P 5C