



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.06.2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.9858 of 2023

Sivasakthi

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.128 of 2023)

... Respondent/Complainant

For Petitioner : M/s.A.ARUL JENIFER, Advocate

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.128 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

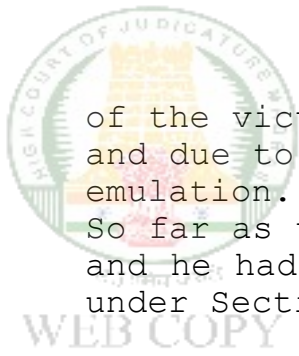
The petitioner/A1, who was arrested and remanded to judicial custody on 03.04.2023 for the offence under section girl missing altered into Section 366 (A) IPC and Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.128 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the daughter of the defacto complainant, who is minor and arranged marriage with his relative one Arun and marriage was solemnized in Uthamapatti Village. Hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.

4.It is seen that there are totally five accused in this case, in which the petitioner herein is arrayed as A1. In order to get marry the victim to the son of A3, the petitioner went to the house

<https://www.mhc.tn.gov.in/judis>



of the victim and had taken her. Thereafter, marriage was solemnized and due to which, the mother of the victim committed suicide by self emulation. Now the person, who married the victim girl, arrested. So far as the petitioner is concerned, he is the uncle of the victim and he had taken her to marry A5. On perusal of statement recorded under Section 164(3) Cr.P.C., of the victim revealed the same.

5. Taking into consideration of the above facts and circumstances and also the period of incarceration, 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 Court, Vedsanthur and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 am., for a period of three weeks and thereafter, as and when required.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/06/2023

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07/06/2023

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



GNS
TO

1 THE JUDICIAL MAGISTRATE COURT,
VEDASANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

4 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.ARUL JENIFER A Advocate SR.No.8188

ORDER

IN

CRL OP(MD) No.9858 of 2023

Date :07/06/2023

SA/SSS/SAR. /07.06.2023/3P/7C