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CrI.O.P.No.7690 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.7690 of 2024

1. M.Lakshmanan,
S/o. Murali

2. M.Karthick,
S/o. Moorthy

.. Petitioners

Vs.

State represented by
The Inspector of Police,
C3 Seven Wells Police Station,
Chennai.
(Crime No.50 of 2024)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.50 of 2024 on the file of respondent police.

For Petitioners : Mr.S.P.S.Buddhan

For Respondent : Mr.V.Meganathan,
Govt. Advocate (CrI. Side)

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 24.02.2024 for the alleged offence under Sections 354C, 506(i) of I.P.C. and Sec.67A of I.T. Act in Crime No.50 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 2nd petitioner and the defacto complainant got married on 26.08.2013 and it is a love cum arrange marriage and they have two children. While being so, A2 introduced his friend Balaji as a friend and on 28.11.2021, she was kidnapped by giving drug mixed cool drinks and she lived in a private house at MKB Nagar with Balaji and he said to have given the drug tablet for one month and after recovery, she escaped from there and gone to her parents home. Again, he introduced one more person and forced her again, but she refused and escaped from there. However, both have published photographs in a social media. Hence, she had lodged the complaint against the petitioners.

3. The learned counsel for the petitioners submitted that they have



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not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 38 days from 24.02.2024. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the 1st petitioner is 4th husband and 2nd petitioner is first husband of defacto complainant. The 2nd petitioner is father of her children and the petitioners have posted some photographs in a social media and also threatened her. As against 2nd petitioner, he is husband of her and having two children, he forced her to live with his friend. He would submit that the mobile phone and sim card were seized from them. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. On seeing the facts, it reveals that the 2nd petitioner is husband of



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defacto complainant and having two children, however, he forced her to live with his friend/1st petitioner herein. So on seeing the conduct of 2nd petitioner, this Criminal Original Petition is dismissed as against the 2nd petitioner.

6. Considering the above facts and circumstances and also the fact that the investigation is almost completed, now the mobile phone and sim card were seized and on considering the period of incarceration undergone by the 1st petitioner from 24.02.2024, this Court is inclined to grant bail to the 1st petitioner with certain conditions.

7. Accordingly, the 1st petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned VIII Metropolitan Magistrate, George Town, Chennai*, and on further conditions that::

(a) 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



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to ensure their identity;

(b) the 1st petitioner shall stay at Kanniyakumari District and sign before the Town Police Station, Kanniyakumari daily at 10.30 a.m. for the period of three months.

(c) the 1st petitioner shall not have any communication with the victim and her family;

(d) the 1st petitioner shall also directed not to publish any of photographs/videographs in a social media;

(e) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the 1st petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner released on bail by the learned Magistrate/Trial Court himself as laid



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down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

- 1.The VIII Metropolitan Magistrate, George Town, Chennai.
- 2.The Inspector of Police, C3 Seven Wells Police Station, Chennai.
- 3.The Superintendent of Prison, Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.

T.V.THAMILSELVI, J.

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