



CRL OP(MD). No.20610 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Manikandan

2. Ganamoortheswaran

... Petitioners/ Accused 1 & 2

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Melapalayam Police Station,  
Tirunelveli District.  
(Crime No. 341 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.P.Ponraj, Advocate

For Respondent : Mr.S.Ravi,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No. 341 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 04.11.2024 for the offences under Section 87 of BNS Act in Crime No.341



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of 2024 on the file of the respondent police, seek bail.

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2.The case of the prosecution is that the defacto complainant was kidnapped in a Car by the petitioners and on hearing her noise, the villagers gathered and informed the same to the parent of the defacto complainant.

3.When the matter was taken up for hearing on 26.11.2024, the learned counsel for the petitioners submitted that the first petitioner is a Divorcee and now the first petitioner has decided to marry the defacto complainant.

4.The learned Additional Public Prosecutor submitted that the first petitioner is a married man with children and there is no question of marriage by the first petitioner with the defacto complainant.

5.In order to clarify the above, this Court directed the learned counsel for the petitioners to produce the Judgment dissolving the first marriage of the first petitioner and accordingly, the learned counsel has produced the Judgment passed by the Family Court, Tirunelveli in H.M.O.P.No.244 of 2022, dated 09.11.2022.

6. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

7.Taking into consideration the facts and circumstances of the case and considering the fact that the petitioners have suffered incarceration from 04.11.2024 and the first petitioner is now proposing to marry the defacto complainant, since his



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first marriage is dissolved, this Court is inclined to grant bail to the petitioners subject to the following conditions.

8. Accordingly, these criminal original petitions are ordered and the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.5, Tirunelveli, 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 to ensure their identity;

[b] the petitioners shall report before the respondent Police every Friday at 05.30 p.m., for a period of six weeks, thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-  
27/11/2024

/ TRUE COPY /

27/11/2024  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.V,  
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,  
MELAPALAYAM POLICE STATION,  
TIRUNELVELI DISTRICT.

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



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COPY TO:  
THE JUDGE,  
FAMILY COURT,  
TIRUNELVELI.

ORDER  
IN  
CRL OP(MD) No.20610 of 2024  
Date :27/11/2024

SA/SAR. /27.11.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.