



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13334 of 2016

A.RAJESH

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.140/2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.R. SRINIVASAN, ADVOCATE

FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 02.07.2016 for the alleged offence punishable under Section 366(A) IPC, in Crime No.140 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons kidnapped the minor daughter of defacto complainant. On complaint, a case has been registered for the above said offence.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that both the petitioner and the defacto complainant are close relatives and the victim girl is daughter of paternal uncle of A.1 and due to previous dispute, the defacto complainant has given a false complaint and prays for enlarging the petitioner on bail. A.2 to A.5 were already arrested and enlarged on bail by this Court vide order dated 26.07.2016 made in CrI.O.P (MD) No.12523 of 2016.



4.The learned Government Advocate(Crl.side) submitted that the victim girl has given a statement before the learned Judicial Magistrate No.I, Sivagangai that she went her aunt's house at Keelaammachipatty on her own interest and she was not kidnapped by any one.

5.Considering the facts and circumstances of the case and also considering the fact that both the petitioner and the defacto complainant are close relatives and the co-accused were already enlarged on bail, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall 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 No.I, Sivagangai.
- (ii)the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv)the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
03/08/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO I, SIVAGANGAI.
2. THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER-IN-CHARGE,
SUB JAIL, SIVAGANGAI.

+1. CC to M/S.R. SRINIVASAN Advocate SR.No. 41663

ORDER

IN

CRL OP(MD) No.13334 of 2016

Date :03/08/2016

SMN

TE/GSV-PM/SAR-III : 03/08/2016 : 3P/7C