



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14371 of 2016

RAJKANNAN ALIAS MARUNTHAN, ... PETITIONER/ ACCUSED NO.1

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT
CR.NO. 195 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SARVAGAN PRABHU Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

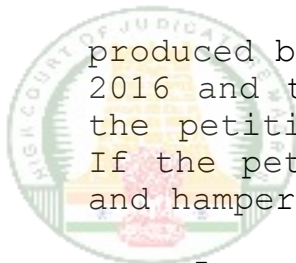
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 23.06.2016 for the alleged offence punishable under Section 366(A) IPC, in Crime No.195 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 the other accused persons kidnapped the daughter of the de facto complainant, who is a minor. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. Both the petitioner and the victim girl were fell in love and due to that motive, the parents of the victim girl have given a false complaint and now the victim girl has been secured and handed over to her parents. The parents of the petitioner were already enlarged on bail by this Court vide order dated 01.07.2016 made in Crl.O.P (MD)No.9358 of 2016. The petitioner is in judicial custody from 23.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner is the prime accused in this case. He kidnapped the minor girl of the de facto complainant and on complaint a case has been registered for the above said offence. The victim girl was



produced before a Division Bench of this Court in H.C.P(MD)No.609 of 2016 and the victim girl has given a statement to the effect that the petitioner had forcibly taken her. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the victim girl has been secured and now she is with her parents and the petitioner is in judicial custody from 23.06.2016, 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 cum District Munsif, Natham.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m. and 05.00 p.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/-

22/08/2016

/ TRUE COPY /

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



SMN

TO

1 THE JUDICIAL MAGISTRATE CUM-DISTRICT MUNSIF, NATHAM

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE, NATHAM POLICE STATION,
DINDIGUL DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

5 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.46287

GJM/GSV/PM/SAR-I-22.8.16-2P-7C

ORDER

IN

CRL OP (MD) No.14371 of 2016

Date :22/08/2016