



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

Friday, the Second day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16510 of 2016

1 PALANICHAMY
2 DURAISAMY

... PETITIONERS/ACCUSED NO.3 & 5

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT
CRIME NO.516/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.MU.SHARAVANAN Advocate

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

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

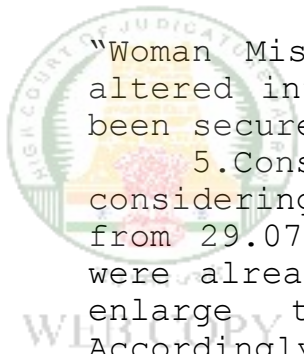
ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.3 and 5, who were arrested and remanded to judicial custody on 29.07.2016 for the alleged offences punishable under Woman Missing and Child Missing Act @ Sections 366 and 366(A) IPC, in Crime No.516 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 29.05.2016, one Kamaladevi, aged 32 years along with her children were missing. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner is the father of A.1 and the second petitioner is the relative of A.1 and the petitioners are in judicial custody from 29.07.2016. The co-accused in this case were already granted anticipatory bail vide orders dated 09.08.2016 and 30.08.2016 made in Crl.O.P(MD)Nos.13919 and 15610 of 2016 respectively.

4.The learned Government Advocate(Crl.side) submitted that the daughter of the de facto complainant has eloped with one Subramanian, who is the son of A.1 and complaint was registered as



"Woman Missing/Girl Missing/Boy Missing" and subsequently it was altered into Sections 366 and 366(A) IPC and the victims have not been secured till now.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 29.07.2016 and also considering the fact that the co-accused were already granted anticipatory bail, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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 Principal Sessions Judge, Theni, Theni District.
- (ii) the first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-

02/09/2016

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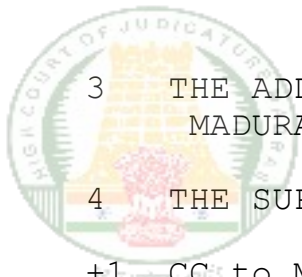
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
THENI, THENI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT



3 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S A.MU.SHARAVANAN Advocate SR.No.49421

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CSL/SK-SKN/SAR-III/02.09.2016: 3P/6C

ORDER

IN

CRL OP(MD) No.16510 of 2016

Date :02/09/2016