



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

Friday, the First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9358 of 2016

1 CHINNAMMAL
2 ALAGARSAMY

... PETITIONERS / ACCUSED No.2 & 3

Vs

The State Rep.by
THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.
CR.NO.195/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S D.SELVARAJ Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

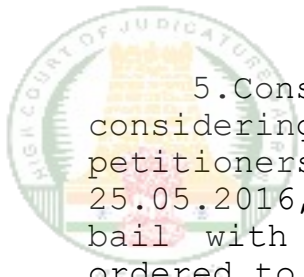
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused nos. 2 and 3 were arrested and remanded to judicial custody on 25.05.2016 for the alleged offences punishable under Sections 366(A) of 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 petitioners along with other accused kidnapped the daughter of the defacto complainant, who is aged about 17 years. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the daughter of the defacto complainant was eloped with the son of the petitioners and that fact was not known to them. He further contended that the petitioners are in judicial custody from 25.05.2016 and prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl.side) submitted that A1 kidnapped the daughter of the defacto complainant with the help of petitioners and the victim girl was secured and produced before the Division Bench of this Court in the HCP.Nos.608 and 609 of 2016 filed by the defacto complainant and first wife of A1 respectively and now victim is with her parents.



5. Considering the facts and circumstances of the case and also considering the fact that the victim girl is secured and that the petitioners are parents of A1 and in judicial custody from 25.05.2016, 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:

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- (i) each of 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 petitioners shall appear before the respondent Police daily at 10.00 am and 5.30 pm 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, as to whether the petitioners is complying with the condition or not.

sd/-

01/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF, NATHAM
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
- 3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.



4 THE OFFICER INCHARGE
WOMEN SUB JAIL, NILAKKOTTAI, DINDIGUL DISTRICT

5 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL

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

+1. CC to M/S D.SELVARAJ Advocate SR.No.34428

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ORDER

IN

CRL OP(MD) No.9358 of 2016

Date :01/07/2016