



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

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

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CRL OP(MD) No.11793 of 2017

1 SANTHI
2 MONIZHA BANU

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY,
(CRIME NO. 599 OF 2017)

... 1st RESPONDENT/ COMPLAINANT

2 ABDUL AJEES ...2nd RESPONDENT
(R2 IMPEADED AS PER ORDER OF THIS HON`BLE COURT MADE IN CRL MP
(MD) No.8361/2017 IN CRL OP(MD) No.11793/ 2017 DATED 12.09.2017 BY
AMBAJ)

For Petitioners : M/S.P.T.RAMESH RAJA Advocate

For Respondent 1 : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

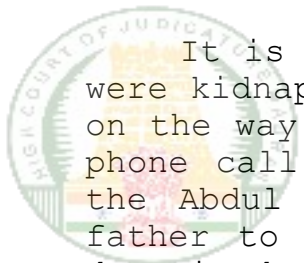
For Respondent 2 : M/S.T.SENTHIL KUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 21.08.2017 for the offences punishable under Sections 363 of I.P.C @ 147, 148, 364 (A) & 506(ii) of IPC., in Crime No. 599 of 2017 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the victim namely Abdul Azeez is running a company, namely, Alpro Tech Pvt Ltd Company in Bharath Shopping Mall, in which Manikandan and de-facto complainant Sivakumar are working as employees. On 17.08.2017, the victim Abdul Azeez and Manikandan did not come for work, the de-facto complainant received a phone call from one Venkat at Vadapalani branch office stating that the said victim Abdul Azeez told him to arrange some amount and thereafter, the de-facto complainant said to have made a phone call to the victim Abdul Azeez, at that time, he stated that he is in a meeting. On suspicion, the de-facto complainant went to the house of the victim Abdul Azeez and he found that house was empty. Through neighbours, he came to know that five or six persons have taken the said victim Abdul Azeez and Manikandan in a car and hence, he registered the complaint.



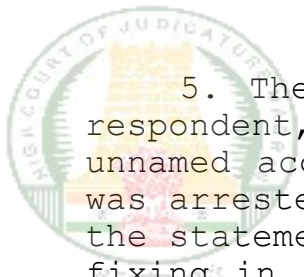
It is further submitted that victim Abdul Azeez and Manikandan were kidnapped in a car by the accused from Trichy to Kodaikanal and on the way to Kodaikanal, the victim Abdul Azeez was made to make a phone call to deposit some amount as directed by the accused and the Abdul Azeez also made a call to one Venkat and also to his father to deposit certain amount to bank account. The said Venkat deposited a sum of Rs.4,80,000/- in the account, as directed by the accused, as told by the victim and the father of the victim Abdul Azeez has also deposited a sum of Rs.4,60,000/- as directed by the accused, as told by the victim.

A1 is given a confession statement along with the other accused stating that they conspired to kidnap the said Abdul Azeez, who is doing business at Trichy and Vadapalani at Chennai. During investigation it is found out on amount Rs.2 lakhs was deposited in the account of the mother of the third accused, who is arrayed as A6 in this case and also a sum of Rs.2 lakhs was deposited in the account of the wife of the third accused, who is arrayed as Accused No.7. The said amount was deposited on 17.08.2017 in their accounts and the amount deposited in the account of husband of accused No.6 and the amount was taken up from that account on 18.08.2017.

It is further stated that since the A6 is not having any bank account and the amount was deposited in her husband's account. Out of 14 accused, 10 accused were arrested in this case and 4 accused are still absconding and the prime accused namely A3 is also still absconding.

3. The learned counsel appearing for the petitioner would submit states that the petitioners have nothing to do with the offence and the victim, namely Abdul Azeez has borrowed Rs.28,00,000/- from the husband of the first petitioner and the husband of the first petitioner by name Gopinath is a money lender and doing real estate business in Kodaikanal Town and when the amount lent was demanded by her husband the said victim Abdul Azeez dodged payment and because of that there was a money dispute prevailing between them. In order to evade and to cheat, the victim Abdul Azeez and Manikandan set up a story and lodged the false complaint. He would further submit that the first petitioner's husband Gopinath has suffered from Paralyze and bedridden and the second petitioner is the daughter-in-law of the first petitioner and her marriage has taken place only a month ago and the petitioners were called for enquiry in respect of the case and they were arrested by the respondent police in this case.

4. The learned counsel appearing for the intervenor projected the case as put forward by the Additional Public Prosecutor appearing for the respondent and he further states that the accused conspired to kidnap the business man, who is the victim in this case for ransom and as directed by the accused, Abdul Azeez made a call to Venkat and to his father to deposit some amount to bank account and accordingly, the amount was deposited as directed by the accused and if the accused are released on bail certainly they will tamper the witnesses and that A3 is still absconding.



5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered as unnamed accused in this case. During investigation one Mahendiran was arrested and on the basis of confession and also on the basis of the statement of the victim in this case, the remaining accused were fixing in this case and there are totally fourteen accused in this case and the said Mahendiran is arrayed as A1 and the petitioners herein arrayed as A6 and A7 respectively. He would further submit that the first petitioner is the mother of A3 and the second petitioner is the wife of A3 in this case and the investigation is at the initial stage.

6. Considering the above facts and circumstances of the case and also considering the nature of the offence and charges levelled of the petitioners herein and the victim Abdul Azeez was said to have been kidnapped by these accused for ransom and the investigation is at the initial stage and A3 is still absconding, this Court is not inclined to grant bail to the petitioners, at this stage. Hence, this Criminal Original Petition stands dismissed.

sd/-
20/09/2017

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

TO

1. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION, TRICHY.
2. THE OFFICER INCHARGE, WOMEN PRISON, TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.31091

ORDER
IN
CRL OP(MD) No.11793 of 2017
Date :20/09/2017

MS/PM-PN/SAR.2/25.09.2017/3P.5C