



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

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.6029 of 2017

1 RAJKAMAL @ RAJ
2 VINOTH

... PETITIONERS 1&2/ ACCUSED 1&2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.Y.KRISHNAN Advocate

For Respondent : MR.P.GOVINDARAJAN, Additional Public Prosecutor

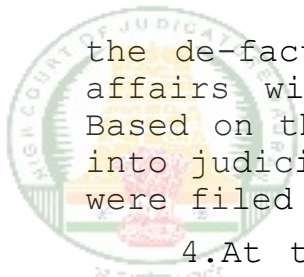
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are the accused 1 and 2 in Crime No.32 of 2017 for the offences under Sections 294(b), 323 and 366(A) of IPC was registered against the petitioners and subsequently on 25.03.2017 they were arrested and remanded into the judicial custody.

2.It is the case of the petitioners is that the de-facto complainant has lodged a complaint before the Respondent Police alleging that on 08.03.2017 at about 04.30 a.m., when the de-facto complainant, his wife and his son were at their house at Uppuchettiar Street, Singampunari, two persons aged about 40 years were came to their house and represented that they were coming from Sivagangai Intelligence Police and they were arrested Manikandan and kept under their custody and his daughter Nivetha should be directed to come and signed to remand and representing so, they taken him and his daughter in a Green colour Bolero and a person aged about 27 years drove the car and on the way, at 4 k.m. from Mangalam, they abused, beat and forced him to get down from the car. Thereafter, the above case in Cr.No.32 of 2017 was registered for the above offences and remanded them into the judicial custody on 25.03.2017.

3.It is further alleged that the 1st petitioner /Accused aged about 25 years and the 2nd petitioner/Accused is aged about 30 years, because of both the petitioners are concerned of the said accused, they are just friends of Manikandan, who was eloped with



the de-facto complainant's daughter Nivetha, since Nivetha is love affairs with Manikandan and left their home of the Thirupathur. Based on this complaint, the petitioners were arrested and remanded into judicial custody on 25.03.2017. Therefore, both the petitioners were filed the Bail Petition in Crl.O.P.No.6029 of 2017.

4.At the time of hearing, on behalf of the prosecution, it is represented that the girl was secured. Therefore, this Court considered the case of the petitioners and the representation made by the respondent Police, this Court granted bail to the petitioners with the following conditions:

"(i)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 Judicial Magistrate, Tirupathur;

(ii)the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

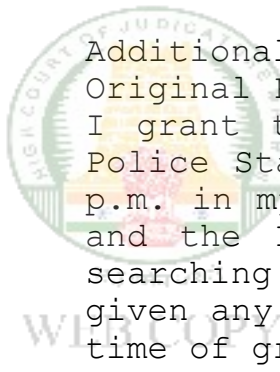
(iv)the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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]."

5.Subsequently, the de-facto complainant Mr.Murugan and Mrs.Elamathi, who are the parents of the victim girl Nivetha sent a letter to me and all the Hon'ble Judges and also to the Hon'ble Chief Justice of this Court, stating that the respondent Police and the accused were colluded themselves and falsely represented before this Court that the girl was secured and obtained the bail fraudulently.

6.The said de-facto complainant Murugan also stated in his letter dated 03.06.2017 that as on date his daughter namely Nivetha, aged about 15 years was not secured and her whereabouts not known, the de-facto complainant also stated that the victim girl is alive or not?

7.Therefore, based on the letter, I re-opened the case and posted the case and directed the petitioners to appear before the Principal Seat at Madras. When the matter is taken up on 12.06.2017 at my Chamber at 2.00 p.m., Mr.P.Muthukuar, learned Government Advocate (Criminal Side) appearing for the respondent Police appeared and seeks time to get instructions and to file affidavit by the concerned Inspector of Police, who given the report to the



Additional Public Prosecutor, Madurai Bench, in the said Criminal Original Petition in respect of securing the victim girl. Therefore, I grant time to the respondent Inspector of Police, Singampunari Police Station. Hence, the case was adjourned to 14.06.2017 at 2.00 p.m. in my Chamber. Thereafter, the case was taken up on 14.06.2017 and the Inspector of Police appeared and informed that they are searching the victim girl and it is also stated that they have not given any instructions in respect of securing the victim girl at the time of granting bail to the petitioners.

8. Thereafter, the matter was periodically adjourned for securing the victim girl, finally when the matter was taken up on 21.08.2017, the Inspector of Police Singampunari Police Station informed this Court that on 20.08.2017 the victim girl Nivetha, aged about 15 years herself has voluntarily surrendered before the learned Judicial Magistrate No.1, Thirupathur and after taken custody of the detainee, the Inspector of Police, has produced the victim girl on 21.08.2017.

9. When the matter was taken up on 21.08.2017, the victim girl was produced before me and I enquired the detainee and she informed that she is aged about 15 years and her father and her father's friend one Mr. Ragu, Theni has locked the victim girl in the house of Mr. Ragu. Thereafter, on 20.08.2017, the victim girl escaped from the illegal custody of Mr. Ragu and came to the District Collector's Office, where she was informed to surrender before the Magistrate Court and she surrendered on 20.08.2017. On behalf of the respondent Police, Mr. P. Govindaraj, learned Additional Public Prosecutor informed that the Habeas Corpus Petition was filed by her father namely the de-facto complainant Mr. Murugan before the Hon'ble Division Bench of Madurai Bench of Madras High Court and the same was posted on 22.08.2017, thereafter she produced the detainee before the Hon'ble Division Bench of Madurai Bench of Madras High Court and after producing the victim girl, she would be again produced before this Court. Accordingly, I directed the Inspector of Police, Singampunari Police Station to produce the victim girl before the Hon'ble Division Bench of Madurai Bench of Madras High Court on 22.08.2017. On the same day, i.e. on 21.08.2017 I direct the Police after producing the victim girl before the Hon'ble Division Bench of Madurai Bench of Madras High Court and directed to produce the victim girl before this Court on 29.08.2017 in my chamber. Till such time, I directed that the said victim girl namely Nivetha aged about 15 years, who confined at Vidiyal Home at Madurai shall continue in the same home. I have also directed the petitioners namely Mr. Rajkamal @ Raj and Mr. Vinoth @ Vinothraj to appear before this Court along with their counsel. I direct the Inspector of Police, Singampunari Police Station to secure the boy alleged to be kidnapped the victim girl and produce him before this Court on the said date.

10. As per the direction of this Court on 29.08.2017, the matter has been taken up today, the Inspector of Police, Singampunari



Police Station had bring the victim girl with her parents Mr.Murugan and Mrs.Elamathi before this Court.

11.Mr.P.Govindaraj, learned Additional Public Prosecutor appearing on behalf of the respondent Police informed this Court that on 22.08.2017, the victim girl Nivetha, aged about 15 years produced before the Hon'ble Division Bench of Madurai Bench of Madras High Court, where she was also deposed that her father Murugan and her father's friend Mr.Raghu were kidnapped her and kept her in the illegal custody at Theni Mr.Raghu's house, she also stated the very same thing which was stated before me on 21.08.2017. Therefore, the Hon'ble Division Bench of Madurai Bench of Madras High Court has directed the Police to confined the victim girl to the custody of the Vidiyal Home at Madurai. In the said circumstances, again I enquired the victim girl today that the victim girl deposed the very same thing which was deposed on 21.08.2017. Therefore, I enquired Mr.Murugan, the father of the victim girl, he told me that he is not having any friend by name Raghu at Theni and the respondent Police also confirmed the same. The statement of his daughter Nivetha, the victim girl is false one. Due to the kidnap made by Manikandan and eloped with the victim girl, the victim girl deposed that her father Murugan alone has kidnapped along with his friend Raghu at Theni. By stating the above, the said Murugan wants a detail enquiry in respect of this statement. Mrs.Elamathi w/o Murugan, who is the mother of the victim girl is also confirmed the statement of Mr.Murugan.

12.Therefore, recording the said submissions, since the Habeas Corpus Petition is pending before the Hon'ble Division Bench of Madurai Bench of Madras High Court and the girl was also secured as per the direction of this Court and she is now in the custody of the Vidiyal Home at Madurai, there is no further orders required in this petition, since these petitioners in this Criminal Original Petition were already granted bail by this Court on 17.05.2017.

13.Accordingly, this Criminal Original Petition is closed. The Inspector of Police, Singampunari Police Station, is directed to follow the orders of the Hon'ble Division Bench of the Madurai Bench of Madras High Court, Madurai in the Habeas Corpus Petition filed by the victim girl's father Mr.Murugan, till the disposal of the Habeas Corpus Petition, the victim girl shall be confined in the said Vidiyal home.

sd/-
29/08/2017

/ TRUE COPY /

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



vsa
TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPATHUR,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, SUB JAIL, PUDUKOTTAI.

COPY TO : THE OFFICER INCHARGE,
VIDIYAL HOME,
MADURAI.

GJM/PM/PN/SAR-4-24.10.2017-5P-7C

ORDER
IN
CRL OP (MD) No.6029 of 2017
Date : 29/08/2017