



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

Wednesday, the Seventh day of June Two Thousand Seventeen

PRESENT

**The Hon`ble Dr.Justice G.JAYACHANDRAN**

CRL OP(MD) No.6682 of 2017

APPU @ APPU KARTHICK

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
SINGAMPUNARI POLICE STATION,  
SIVAGANGAI DISTRICT.  
(IN CRIME NO.32 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

For Respondent : MR.R.RAMACHANDRAN Additional Public Prosecutor

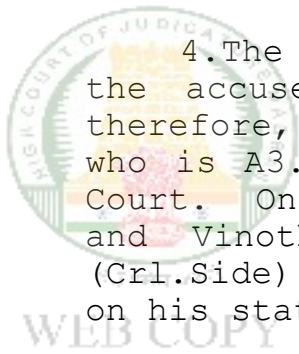
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A3 was arrested and remanded to judicial custody on 25.03.2017 for the alleged offences punishable under Sections 294 (b), 323, 366(A) of I.P.C, in Crime No.32 of 2017 on the file of the respondent police and hence, seeks bail.

2.This petitioner is arrayed as A3 in the case of kidnapping of a minor girl, namely Nivedhitha. According to the prosecution, this petitioner got acquainted with one Manikandan, who is the prime accused in the case of kidnapping the minor girl Nivedhitha. On 16.11.2016, the petitioner and his associates helped Manikandan to kidnap the girl from her house and later, due to interference of the High Court in H.C.P, they handed over the girl back to her parents. Again, on 08.03.2017, the team headed by Manikandan went to the house of the minor girl pretending themselves as Police and forcibly taken away the defacto complainant and his daughter Nivedhitha from their house in a jeep. When the jeep was nearing S.V.Mangalam, they have beaten the defacto complainant and thrown him out from the jeep and taken away the minor girl.

3.This petitioner has confessed his role in the crime and about manner the incident took place. Police are actively investigating the case.



4.The learned counsel for the petitioner submitted that two of the accused have already been granted bail by this Court and therefore, similar benefit should be extended to this petitioner, who is A3. The order copy of the bail was also furnished to this Court. On perusing the said bail order granted for Rajkamal @ Raj and Vinoth, it appears that the learned Government Advocate (Crl.Side) has submitted that the victim girl was secured and based on his statement, the Court has granted bail.

5.Now, the Additional Public Prosecutor states that the representation made by the Government Advocate (Crl.Side) to the Court is not a correct statement. The victim girl has not yet been secured. The other two accused were managed to get bail, based on the wrong representation.

6.This Court is not inclined to probe into the veracity of the above submission in this bail application, except to record that if the other accused have been granted bail wrongly, it is always open to the prosecution to seek for cancellation of bail. Taking note of the fact that the minor girl is yet to be secured, this Court is not inclined to grant bail to this petitioner, who had actively participated in the kidnapping of a minor girl.

7.Hence, this petition is dismissed.

sd/-  
07/06/2017

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

TO

- 1 THE INSPECTOR OF POLICE,  
SINGAMPUNAR POLICE STATION, SIVAGANGAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.23535

ORDER  
IN  
CRL OP (MD) No.6682 of 2017  
Date :07/06/2017