



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

Tuesday, the Tenth day of October Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.12756 and 13113 of 2017

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Crl.OP(MD)No.12756 of 2017

Vicky @ Vigneswaran

... Petitioner/3rd Accused

Vs.

The State rep. by,
The Inspector of Police,
Sessions Court Police Station,
Trichy.
(Crime No.599 of 2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Criminal Procedure Code, to enlarge the Petitioner/Accused on bail in the event of his arrest in Crime No.599 of 2017 on the file of the Respondent Police.

AND

Crl.OP(MD)No.13113 of 2017

1.Santhi
2.Monizha Banu

... Petitioners/Accused
Rank Not Known

Vs.

1. The 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/Victim

PRAYER: Criminal Original Petition is filed under Section 439 of the Criminal Procedure Code, to release the Petitioners/Accused on bail in Crime No.599 of 2017 on the file of the Respondent Police.

(In both the Crl.OPs)

For Petitioner

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

: Mr.R.Anand

for Mr.P.T.Ramesh Raja



.2.

For Respondents : Mr.C.Ramesh
(In both the Crl.OPs) Additional Public Prosecutor

COMMON ORDER

The Petitioner in Crl.O.P(MD)No.12756 of 2017 is the A3 Vicky @ Vigneswaran in Crime No.599 of 2017 and the petitioners in Crl.O.P (MD)No.13113 of 2017 are the mother and wife of A3 Vicky @ Vigneswaran and these two petitioners are the A6 and A7 in Crime No.599 of 2017.

2.The case of the prosecution is that the A3 along with 11 other accused involved in this case. The complaint given by one Mr.Sivakumar alleging that on 17.08.2017 at about 09.30 a.m. when the de-facto complainant went to his company, Mr.Abdul Ajees and Manikandan were not coming to the company till 11.00 a.m., when the de-facto complainant and two others are working

3.He also states that on the same day at 01.05 p.m. one Mr.Venkat, who is working in the Vadapalani Branch of the said company had called the de-facto complainant Mr.Sivakumar, and informed him that the victim Mr.Abdul Ajees called the said Venkat and directed to make arrangement of amount immediately and deposit into the account of the petitioner in Crl.OP(MD)No.13113 of 2017, on suspect, the de-facto complainant went to the house of the Abdul Ajees. In the house, all the articles were thrown in the floor of the house and Abdul Ajees's Car by namely Duster was not available in his house. The de-facto complainant immediately enquired with the neighbouring house, but they were informed that 5 or 6 persons were came to Abdul Ajees house and they illegally kidnapped the victims Abdul Ajees and Manikandan. Therefore, the complaint has been given by the de-facto complainant to the 1st respondent Police. In this case, one Mr.Mahendran, who was arrested and given confession statement by stating that these petitioners in Crl.O.P(MD)No.13113 of 2017, who were shown as accused Nos.6 and 7 and who are mother and wife of the A3 in other petition in Crl.O.P(MD)No.12756 of 2017 along with the other 10 accused kidnapped the victim Mr.Abdul Ajees for ransom.

4.The petitioners in Crl.OP(MD)No.13113 of 2017 were arrested on 21.08.2017 and remanded into judicial custody. Therefore, they filed the Crl.OP(MD)No.13113 of 2017 for bail and other petition in Crl.OP(MD)No.12756 of 2017, who has shown as accused No.3 in this case has filed the petition for Anticipatory Bail.

5.The petitioners in Crl.OP(MD)No.13113 of 2017 were alleged in their petitions that the victim by namely Abdul Ajees was borrowed a sum of Rs.28,00,000/- from the husband of the 1st petitioner namely Santhi. Thiru.Gopinath, who is the husband of the 1st petitioner is a money lender and also doing business in the Kodaikanal Town. When the amount was given by the husband of the 1st petitioner and the same was demanded from the said victim Abdul Ajees, but he dodged



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the payment and therefore, there was a money dispute prevailing between them. The petitioners also states that in order to evade the repayment and to cheat the money borrowed from Mr.Gopinath, the victim Abdul Ajees and Manikandan have set up a story and lodged the false complaint through the said Sivakumar alleged that the petitioner Vicky @ Vigneswaran along with 11 accused were kidnapped the victim Abdul Ajees, based on that Crime No.599 of 2017 was registered for the offences under Sections 363 of IPC @ 147, 148, 364(A) and 506(ii) of IPC, now the petitioners are in the judicial custody from 21.08.2017.

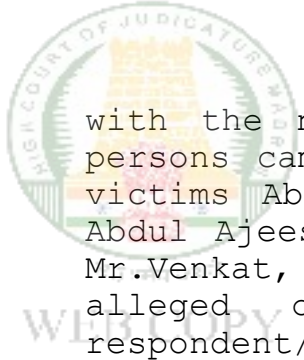
6.The petitioners in Crl.OP(MD)No.13113 of 2017 also states that the 1st petitioner's husband Mr.Gopinath, who is the business man and earning a substantial amount and also an Income Tax payer and Income Tax returns were shows that the 1st petitioner's husband Gopinath income was comes about Rs.1 crore per year. The 2nd petitioner Mrs.Monizha Banu, who is the wife of A3 Vicky @ Vigneswaran and their marriage took place only one month before the registration of the case. Therefore, there is no necessity for these petitioners along with the A3 to kidnap and to detain the said Abdul Ajees for extracting the amount.

7.Both the petitioners in Crl.OP(MD)No.13113 of 2017 earlier were moved for Bail in Crl.O.P.(MD)No.11793 of 2017 before this Court and the same was dismissed on 20.09.2017 on the ground that the F.I.R. was registered recently and based on the confession statement of Mr.Mahendran, these two petitioners were arrested and out of 14 accused, 10 accused were arrested in this case and main accused A3 Vicky @ Vigneswaran is yet to be arrested and if these petitioners were released on bail, they were tampered the witnesses, since the investigation is at the initial stage. Therefore, this Court was pleased to dismissed the said bail petition filed by the petitioners/A6 and A7.

8.I heard Mr.R.Anand, learned counsel appearing for the petitioners and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the respondents in both the Criminal Original Petition and perused the entire records.

9.Admittedly, there are 14 accused in this case, out of which 10 accused were arrested and remanded into the judicial custody, the petitioners in Crl.OP(MD)No.13113 of 2017 are the mother and wife of Vicky @ Vigneswaran, who is A3 and the petitioner in Crl.OP(MD) No.12756 of 2017.

10.Admittedly, it is reported by the petitioners that Mr.Abdul Ajees borrowed a sum amount of Rs.28,00,000/- from the husband of the 1st petitioner Smt.Santhi, who is a money lender and the complainant Mr.Sivakumar, who is the worker of the victim Abdul Ajees has given this complaint. He has alleged that he has received the phone call from Mr.Venkat, who is working at Vadapalani Branch and based on that call, he went to the victim's house and enquired



with the neighbouring house and they were informed that 5 or 6 persons came to Abdul Ajees house and they illegally kidnapped the victims Abdul Ajees and Manikandan, if it is so that the victim Abdul Ajees has not called Mr.Sivakumar, instead of that he called Mr.Venkat, who is working at Chennai Vadapalani Branch, since the alleged occurrence took place within the limit of the respondent/Police at Trichy.

11.Apart from this, based on the confession statement of Mr.Mahendran, only these petitioners were arrested, who are the ladies and it was alleged that as per the direction of A3 Vicky @ Vigneswaran and the information of Mr.Abdul Ajees, the amounts were deposited in these petitioners, who are the mother and wife of A3 Bank Accounts. Except this, there is no other allegation against them.

12.In respect of A3 who filed Anticipatory Bail petition before this Court, has also states that based on the amount borrowed by the victim Abdul Ajees from his father Gopinath, this complaint was foisted against these petitioners.

13.The petitioner Mr.Vicky @ Vigneswaran A3 also states that his father Gopinath is suffered from Paralyze and bedridden, since he is the only son of Gopinath and his father's health condition was critical, the victim Abdul Ajees have alleged the false complaint through Sivakumar in order to escape from the payment. The petitioner Vicky @ Vigneswaran also states that his father Gopinath, who is a business man and last year Income Tax shows that the petitioner's father income is more than Rs.1 crore. Therefore, there is no necessity for him to kidnap and detain the victim for extract the amount.

14.In this case, based on the complaint given by Sivakumar, who is the employee of Abdul Ajees and also the confession statement of Mahendran, there is no other statement or evidence for the implication of the accused No.3 Vicky @ Vigneswaran. It is only alleged that the victim Abdul Ajees was kidnapped and on instruction the amount is deposited to the bank account of the petitioners in CrI.OP(MD)No.13113 of 2017. Except the said allegation, there is no other allegations against these petitioners.

15.Apart from this, the petitioners in CrI.OP(MD)No.13113 of 2017 are the ladies and the 1st petitioner's husband is the Income Tax payer and also a business man and suffered from Paralyze and bedridden and the 2nd petitioner, who is recently married lady of A3 Vicky @ Vigneswaran and the petitioners in CrI.O.P(MD)No.13113 of 2017 are in judicial custody from 21.08.2017, for more than 49 days into the custody. Therefore, I am inclined to allow both the Criminal Original Petitions with the following conditions:



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Crl.OP(MD)No.13113 of 2017

(a) the Crl.OP(MD)No.13113 of 2017 is allowed and bail was granted to the petitioners;

(b) both the petitioners are directed to execute two sureties like sum of Rs.25,000/- each to the satisfaction of the learned Judicial Magistrate No.II, Trichy;

(c) the petitioners in Crl.OP(MD)No.13113 of 2017 are directed to report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

Crl.OP(MD)No.12756 of 2017

(a) the Crl.OP(MD)No.12756 of 2017 is allowed and the petitioner is granted to Anticipatory Bail;

(b) the petitioner shall execute two sureties like sum of Rs.25,000/- (Rupees twenty five thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Trichy;

(c) the petitioner is directed to surrender before the Court concerned within a period of two weeks from the date of receipt of a copy of this order;

(d) the petitioner in Crl.OP(MD)No.12756 of 2017 is directed to report before the respondent Police daily at 10.30 a.m. and 5.00 p.m. until further orders;

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

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

(g) all the three petitioners are directed to co-operate for the investigation made by the respondent Police;

(h) 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]**.

sd/-

10/10/2017

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



.6.

TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY

3 THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY

4 THE OFFICER-IN-CHARGE,
WOMEN PRISON, TRICHY

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.32522

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.32523

ORDER

IN

CRL OP(MD) Nos.12756 and 13113 of 2017

Date :10/10/2017

PK/CM-MSA/SAR-1/11.10.2017 : 6P/8C