

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14878 of 2018

MANASA,

[PETITIONER / ACCUSED]

Vs

STATE:

[RESPONDENT]

INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKKOTTAI,
KRISHNAGIRI DISTRICT.
CR.NO.7 OF 2018.

For Petitioner : M/S.M.P.SARAVANAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.7 of 2018 registered by the respondent police for the alleged offences punishable under Sections 366(A), 366 and 109 of IPC.

2. The case of the prosecution as per the *de facto* complainant Ramesh is that her niece Nandhini, aged 17 years, was under his custody and was staying at his house. On 14.04.2018, she had gone out and did not return home. Due search was made around the house and was unable to find out the girl. On the next day, during enquiry, it was found that one Suresh (A1) S/o. Marappa had kidnapped his niece and that the other accused have assisted him in kidnapping his daughter.

3. The learned counsel for the petitioner would submit that the petitioner has been arrayed as A5 in this case. He would submit that she is the elder sister of A1 in this case and other than that A1 was staying in her house and she has nothing to do with the alleged offence and that the petitioner is not aware of the love affair between the victim girl and her brother (A1), whereas the petitioner has been falsely implicated in this case as if she assisted A1 in kidnapping the victim. He would further submit that the petitioner has got two children and the petitioner was arrested on 13.05.2018 and is in custody for no fault of her for the past one month.

4. The learned Additional Public Prosecutor would submit that the brother of the petitioner viz., Suresh(A1) had kidnapped the victim girl, aged 17 years. He would submit that A1 is absconding and the victim girl is yet to be secured. He would further submit that all the other accused have been arrested and remanded to judicial custody.

5. Taking into consideration the facts of the case and taking note of the fact that the petitioner is only sister of A1 and that she has been in custody since 13.05.2018, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Denkanikkottai, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30.a.m. until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
08/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
DENKANIKKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKKOTTAI, KRISHNAGIRI DISTRICT.

+1 CC to M/S.M.P.SARAVANAN Advocate on payment of necessary
charges-Sr.10268

CRL OP.14878/2018

Date :08/06/2018

ths : 08.06.2018