



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3162 of 2018

K.MADURAI VEERAN @ BOOMINATHAN(A3) ... PETITIONER/ACCUSED No.3

Vs

STATE THROUGH INSPECTOR OF POLICE,
KOTTAMPATTI POLICE, MADURAI DISTRICT.
IN CR.NO.619 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.JOTHIMANI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A3, was arrested and remanded to judicial custody on 21.01.2018 for the offences punishable under Sections 323, 341, 366(A) and 506(i) of IPC, in Crime No.619 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused kidnapped the minor girl viz., Vennila, who is the daughter of the defacto complainant. Thus, on complaint, a case has been registered against the petitioner for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 25.01.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the victim girl is not yet secured and the investigation of the case is pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner herein and other accused kidnapped the minor girl viz., Vennila, who is the daughter of the defacto



complainant. As of now, the victim girl is not yet secured. According to the prosecution, one Ammasi was examined as witness to the alleged occurrence. On going through the statement given by the said Ammasi, it is seen that at the time of the occurrence one Karthik, Murugan and Kaviarasan alone waylaid the victim girl and committed the offence of kidnapping and in the above said statement, the name of petitioner herein is not mentioned. Moreover, the petitioner is in judicial custody from 21.01.2018. Considering the nature of offence committed by the petitioner and also considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, Madurai District.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

(iv) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

28/02/2018

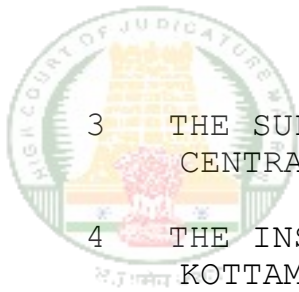
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
MADURAI DISTRICT



3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE, MADURAI DISTRICT.

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

+1. CC to M/S.S.JOTHIMANI Advocate SR.No.3179

ORDER
IN
CRL OP(MD) No.3162 of 2018
Date :28/02/2018

trp
SH/CM-VR/SAR-2:28.02.2018:3p/7c