



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

Friday, the Fourteenth day of December Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.22158 of 2018

1 VANNIMUTHTHU
2 RAJA
3 SANJEEVRAJA@SANJEEV
4 KALYANI
5 ARUN KUMAR
6 PANCHAVARNAM

... PETITIONERS / ACCUSED
1 to 6

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT
Crime No.289/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.AYYANAR Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners seek bail in Crime No.289 of 2018, for the offence punishable under Sections 366, 363, 294(b) and 506(i) I.P.C. registered by the respondent police. The petitioners were arrested on 26.11.2018 and remanded to judicial custody on the same day.

2.According to the defacto complainant, one Vasanthi a married woman was living along with two children and her husband was working aboard and on 08.11.2018, the said Vasanthi and her two children were found missing. Even after due search, the victim and her two children were unable to be found and thereby, the case for woman missing was registered. Thereafter, the case was altered on 15.11.2018 to one under Sections 366, 363, 294(b) and 506(i) I.P.C, as if the petitioners assisted and abetted the first accused's son/Dinesh Kumar to kidnap the victim along with two children and when it was questioned by the relative/defacto complainant, the petitioners have threatened him and abused him using filthy



language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have nothing to do with the alleged offence and the actual fact remains that the son of the first petitioner is suspected to have eloped with the married woman along with her two children and the people belonging to the defacto complainant's community threatened and also assaulted the petitioners and their family members abusing their caste name. On a complaint given by one Elappan, a case in Crime No.293 of 2018 has been registered against the relatives of the defacto complainant due to which, they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that as per the investigation the petitioners have assisted the first accused's son Dinesh Kumar for kidnapping the victim along with her two children and the petitioners have also threatened the relatives.

5.Taking into consideration the facts of the case and the submission made on either side, I am inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai, and on further condition that:

[a] the petitioner shall Stay at Madurai and report before the Thirunagar Police Station, Madurai daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 petitioner 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/-

14/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO II,
SIVAGANGAI

2. THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

4. THE INSEPCTOR OF POLICE,
THIRUNAGAR POLICE STATION, MADURAI.

5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

6. THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.

7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.AYYANAR Advocate SR.No.23316

ORDER

IN

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Date :14/12/2018

TK/PN.AC/SAR-3/14.12.2018/3P/9C