



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

Date : 14/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . Nos.7718, 8111 & 7950 of 2019

Siluvai Alangaram ... Petitioner/Accused No.4
(in CRL OP(MD) . No.7718 of 2019)

Prabha @ Prabhu ... Petitioner/5th Accused
(in CRL OP(MD) . No.8111 of 2019)

Jeyasingh ... Petitioner/6th Accused
(in CRL OP(MD) . No.7950 of 2019)

Vs

State rep.by,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(Cr.No.88/2019).

... Respondent/Complainant
(in all petitions)

For Petitioner : M/s.S.Sathya Chidambaram,
Advocate.
(in CRL OP(MD) . No.7718 of 2019)

For Petitioner : M/s.D.Venkatesh
(in CRL OP(MD) . No.8111 of 2019)

For Petitioner : M/s.V.Rajiv Rufus
in CRL OP(MD) . No.7950 of 2019)

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).
(in all petitions)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory bail in Cr.No.88/2019 on the file of the
respondent police.

COMMON ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections Girl
Missing @ 147 & 366 (A) IPC r/w 34 IPC, in Crime No.88 of 2019, seek
anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that originally FIR was registered as girl missing and subsequently, it was altered into under Sections 147, 366 (A) IPC r/w 34 IPC. Further he submitted that as per the alternation report submitted by the respondent, A1 John has kidnapped the victim girl aged about 16 years and the petitioners herein are in no way connected with the said crime and therefore, he prayed to grant anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that already A2 is the mother of A1. A2 was arrested and confession statement was obtained from her and in the said confession, she has stated that these petitioners have helped the A1 to kidnap the victim girl and only based on the said confession, the petitioners have been arrayed as accused. He further submitted that A1 is still absconding and therefore she strongly opposed this petition.

5. Originally, FIR was registered as girl missing and subsequently, the respondent has sent a alteration report to the Judicial Magistrate, Valliyur on 15.05.2019 as the case has been altered into u/s 147 and 366 (A) r/w 34 IPC. In the said alteration report, he has stated that by examining the witness and also by his personal enquiry, he came to know that A1 has kidnapped the victim girl with the help of these petitioners. But a perusal of the CD file shows that no witness has stated that these petitioners have actively helped the accused No.1 for kidnapping the victim girl. Further, in the CD file, the confession statement of the accused No.2 is not found. Taking into consideration the aforesaid fact, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Valliyur, Thirunelveli District, on condition that the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(ii) the petitioners shall report before the respondent police



daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned 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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/06/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.9721
+1. CC to M/S.D.VENKATESH, Advocate SR.No.9873
+1. CC to M/S.V.RAJIV RUFUS Advocate SR.No.9732

ORDER
IN
CRL OP(MD) No.7718, 8111 &
7950 of 2019
Date :14/06/2019