



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Thirty First day of October Two Thousand and Nineteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

AND

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL MP(MD) . No.9387 of 2019

in

H.C.P. (MD)No.1079 of 2019

1.Baskaran
2.Santhi Priya
3.SathishKumar

... Petitioners/Accused 2 to 4

Vs

The Inspector of Police
Sempatti Police Station
Dindigul District
(Crime No. 272/2019).

... Respondent/Complainant

Prayer in CRL MP(MD) . No.9387 of 2019:

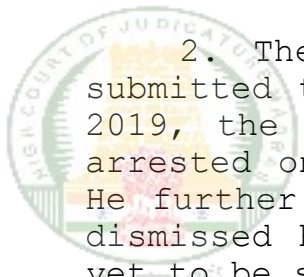
Petition filed under Section 439 of Cr.P.C., to enlarge the petitioners on bail in connection with the crime No.272 of 2019 on the file of the respondent police.

Prayer in H.C.P.(MD)No.1079 of 2019:

Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to direct the first and second respondents to produce the body of minor daughter namely Priyadharshini, aged 17 Years, daughter of Palanikumar, now detained by the respondents 3 to 6 before this Hon'ble Court and give custody of the minor girl to the Petitioner.

ORDER:- These Petitions are coming on for orders on this day and upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Thiru./Ms. M.Jagadeeshpandian, Advocate for the Petitioner and of Thiru./Ms. K.Dinesh Babu, Government Advocate for the respondent(s), this Court made the following order:

The Habeas Corpus Petition has been filed by the father of the detainee on the ground that, his daughter, who is aged about 17 years, has been illegally detained by the third respondent and in spite of an F.I.R. being registered by the respondent police on 07.10.2019, there is no progress in the investigation and the detainee has not been secured till date. Therefore, direction has been sought for to produce the body of the detainee before this Court.



2. The learned Additional Public Prosecutor, on instructions submitted that, after registration of an F.I.R. in Crime no.272 of 2019, the father, mother and brother of the third respondent were arrested on 07.10.2019 and they were remanded to judicial custody. He further submitted that the bail petition filed by them was also dismissed by the Sessions Court on the ground that the detainee is yet to be secured.

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3. The learned counsel for the petitioner submitted that the respondents 4, 5 and 6 (A-2 to A-4) also had a role to play in the minor girl being illegally taken and detained by the third respondent.

4. The present Criminal Miscellaneous Petition has been filed seeking for bail for the respondents 4 to 6 (A-2 to A-4) on the ground that there was a love affair between A1 and the detainee and both of them have eloped. In this connection, the family members have been unnecessarily roped in this case and they are suffering incarceration from 07.10.2019 onwards.

5. We appointed Mr.M.Jegadeesh Pandian, learned counsel to appear on behalf of the respondents 4 to 6 (A-2 to A-4) and take necessary steps to file a bail petition before this Court.

6. Mr.M.Jegadeesh Pandian, learned counsel appearing on behalf of the petitioners (A-2 to A-4) submitted that the father, mother and brother have nothing to do with the alleged offence and they have been suffering incarceration for more than 25 days and the Sessions Court is not granting bail, mainly on the ground that the detainee is yet to be secured and the Habeas Corpus Petition is pending before this Court. Therefore, the learned counsel requested this Court to exercise its jurisdiction under Article 226 of the Constitution of India, since it involves the liberty of the respondents 4 to 6 (A-2 to A-4).

7. Taking into consideration the facts and circumstances of the case and also the fact that the respondents 4 to 6 (A-2 to A-4) are only the family members of the third respondent and keeping them under detention continuously will not serve any purpose and it will amount to depriving their liberty and keeping them inside the jail will not in any way help the police in finding the whereabouts of the detainee and the third respondent(A1), this Court is inclined to grant bail to the petitioners herein (A-2 to A-4) subject to the following conditions:

- (a) *The petitioners shall execute a bail bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety for the like sum to the satisfaction of Judicial Magistrate, Aathur; and*
- (b) *The petitioners shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required.*

8. We were inclined to direct the Legal Services Authority to pay fees to Mr.Jegadeesh Pandian, learned counsel, since he has



rendered his service. However, the learned counsel very fairly submitted that he wants to do this case free of cost and does want to receive any fees. This Court appreciates the gesture of the learned counsel.

9. Accordingly, this Criminal Miscellaneous Petition is ordered. Post the main case for hearing on 07.11.2019.

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Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1.The Superintendent of Police, Dindigul District, Dindigul.
- 2.The Judicial Magistrate, Aathur, Dindigul District.
- 3.The Inspector of Police, Sempatti Police Station, Dindigul District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 5.The Officer Incharge, District Prison, Dindigul
6. The Officer Incharge, Sub Jail, Nilakottai. Dindigul.

Copy to:

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+2cc to Mr.M.Jagadeesh Pandian, Advocate, SR No.18722.

ORDER DATED : 31/10/2019
Next Hearing: 07/11/2019

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ORDER
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CRL MP(MD).No.9387 of 2019
in
H.C.P.(MD)No.1079 of 2019

Giving direction etc.,
as stated within.