

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20995 of 2020

1.Babu
2.Ganesh
3.Gayathri

... Petitioners

Vs.

State by
The Inspector of Police,
K10 Koyambedu Police Station,
Chennai-600 107.
(Crime No.1097 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1097 of 2020 pending on the file of the Respondent.

For Petitioners : Mr.N.Selvarajan

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 11.12.2020 for the alleged offence under Sections 363(A) of IPC @ 120B, 109, 114, 365, 370 of IPC and Section 87r/81 of JJ Act in Crime No.1097 of 2020, seek bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioners are alleged to have kidnapped 3½ months old child while she was sleeping in the platform along with her parents and thereafter, they were shifted the baby to an auto. On suspicion, somebody questioned the same, the petitioners are said to have thrown away the child and ran away from the scene of occurrence. Hence, the complaint.

3. The learned Senior counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would submit that the petitioners were arrested on 11.12.2020 and they are in custody for more than one month and hence, he prays to grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners kidnapped the minor child from poor coolie workers, who were sleeping in the platform and subsequently, left the child on the road side and ran away.

5. I have considered the rival submissions and perused the records.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel on either side and also considering the heinous offence committed by the petitioners, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

18/01/2021

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 INSPECTOR OF POLICE,K-10 KOYAMBEDU
POLICE STATION,CHENNAI-107.

2.THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL ,CHENNAI 600066

3.THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,PUZHAL,CHENNAI 600066

4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.SELVARAJAN Advocate on payment of necessary charges

CRL OP.20995/2020

Date :18/01/2021

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