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Crl.O.P.No.26905of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.26905 of 2022

1. Vel Kumar

2. Nithish Kumar

... Petitioners

Vs.

The Inspector of Police,
Elavanasoorkootai Police Station,
Kallakurichi District.
(Crime No.223 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioners/A1 and A3 arrested on bail on
09.10.2022 in the Crime No.223 of 2022 pending on the file of the
respondent police.

For Petitioners : Mr.Krishnasamy Chinnasamy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.10.2022 for the alleged offences punishable under Sections 147, 366, 511 and 506(i) of IPC r/w Section 4 of TNPHW Act in Crime No.223 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Muthulakshmi is that she had love affair with one Vijaya Kumar who is related to the accused and the further allegation is that the relatives of the said Vijaya Kumar attempted to kidnap her for the purpose of marrying her with the said Vijaya Kumar. Hence, the complaint.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would further submit that the victim was having love affair with one V.K.Vijaya Kumar, who is related to the petitioners and the family members of the victim were against the relationship and they asked the petitioners to come for a settlement talk, but, later, they had compelled the victim to give false complaint as if the petitioners had attempted to kidnap the victim though no such incident had happened and the petitioners are in custody from 09.10.2022. Hence, he prays for grant of bail to the petitioners.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that one Vijaya Kumar had compelled the defacto complainant to marry him. The petitioners who are relatives of the said Vijayakumar had attempted to kidnap the victim for the purpose of marrying the victim with Vijayakumar. He would further submit that the investigation is pending. Hence, he would vehemently oppose to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and submissions made by both counsel, this Court is inclined to grant bail to the petitioners.

7. Accordingly, each of the petitioners are ordered to be released on bail on her executing 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 Court-I, Uludurpet** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

09.11.2022

Vv



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To
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1. The **Judicial Magistrate Court-I, Ulundurpet**
2. The The Inspector of Police,
Elavanasoorkootai Police Station,
Kallakurichi District.
3. The Sub Jail, Ulundurpet
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vv

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