



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2779 of 2022

1. Loganathan
2. Kowsigan

... Petitioners/Accused Nos.5 & 9

Vs

The State rep.by
The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District
(Crime No. 711 of 2021).

... Respondent/Complainant

Subramanian

... Petitioner/Defacto
Complainant
IN CRL.MP(MD) .2693/2022
IN CRL.OP(MD) .2779/2022

For Petitioner : M/s.BHARATHI.C.,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

For Intervenor : Mr.V.KATHIRVELU, Senior Counsel
for Mr.B.ANANDAN, Advocate

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

PRAYER :- For Bail in Crime No.711 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 & A9, who were arrested and remanded to judicial custody on 13.01.2022 for the offences punishable under Sections 452, 366 and 380 of IPC @ Sections 452, 366, 380, 417, 419, 420, 465, 468, 120(b) and 471 of IPC and Sections 35 and 36 of ADR Act in Crime No.711 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with A1 and others trespassed into the house of the de-facto complainant and gave anesthesia to the de-facto complainant's wife and kidnapped his daughter and also stolen 25 sovereigns of gold and a sum of Rs.1,10,000/- from his house. Hence, the complainant.



3.The learned counsel for the petitioners would submit that the petitioners are the friends of A1 and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor for the respondent police would submit that the victim girl has been secured and produced before the Division Bench of this Court in H.C.P.(MD)No.234 of 2022 and on considering the representation made by the detinue expressing her disinclination not to go with her parents and that she is living with the first accused, the Habeas Corpus Petition was ordered to be dismissed. He would further submit that after investigation they came to know that the victim girl had also assisted the accused in the commission of offence and hence, she was added as an accused.

5.The learned counsel for the intervenor would submit that the Aadhaar Card has been created with the address of the de-facto complainant and that they have taken the jewels and cash from his house.

6.Considering the nature of charges levelled against the petitioners and also taking note of the fact that the petitioners are in judicial custody from 13.01.2022 and that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during 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

<https://hcservices.mca.gov.in/hcservices/> P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-

17/03/2022

/ TRUE COPY /

WEB COPY

17/03/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, THANJAVUR.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI.
- 5 THE INSPECTOR OF POLICE,
ATHIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2779 of 2022

Date : 17/03/2022

SA/VR/SAR.4/17.03.2022/3P/7C