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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 28/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP (MD) Nos.12941 and 13387 of 2022

Muthuselvi : Petitioner/Accused No.2
in Crl.OP (MD) No.12941 of 2022

Karthikeyan : Petitioner/3rd Accused
in Crl.OP (MD) No.13387 of 2022

Vs.

State: The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Crime No.100 of 2022) : Respondent/Complainant
(in both cases)

For Petitioner
in Crl.OP (MD) No.12941 of 2022 : Mr.V.Angusamy,
Advocate

For Petitioner
in Crl.OP (MD) No.13387 of 2022 : Mr.D.Venkatachalam,
Advocate

For Respondent
(in both cases) : Mr.P.Kottai Chamy
Government Advocate
(Criminal side)

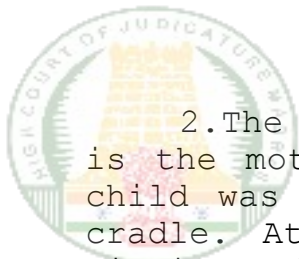
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.100 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3 were arrested on 22/06/2022 and remanded to judicial custody for the alleged offences punishable under sections 120(B), 448, 363 and 511 IPC and section 81 of Juvenile Justice Act, in Crime No.100 of 2022, seek bail.



2.The case of the prosecution is that the de-facto complainant is the mother of the child. On 19/06/2022 at about 10.00 pm, the child was fed by the de-facto complainant and she was put in the cradle. At about 5.00 pm, on the next day, the child was found missing, who was aged only 6 months. In spite of search, she could not find the child. She lodged a complaint stating that she suspecting one Kani, who is the first accused herein and also neighbour. Investigation was undertaken and during the course of investigation, A1 was arrested and on the basis of the confession statement of A1, A2 and A3 were also arrested and the petitioners were also found to be involved in the above said stealing of the child. The confession statements of the accused persons were also recorded and the child was secured.

3.Seeking bail, these petitions have been filed by the A2/Muthuselvi and A3/Karthikeyan. The bail applications filed by the petitioners came to be dismissed by the Principal Sessions Judge, Tirunelveli on the ground that investigation has not been completed. A simple defence that has been taken by the petitioners to the effect that it is a false case.

4.Heard both sides. The entire CD file has been called for and perused.

5.From the perusal of the CD file, it is seen that the accused Kani in collusion with the co-accused persons planned to steal the child and attempt to sell. So, it is seen that it is a clear pre-planned stealing of the child and attempt to sell. The offence of such grievous in nature must be thoroughly investigated by the police.

6.Since the investigation is in the preliminary stage and also considering the seriousness of the offence, this court is not inclined to enlarge the petitioners on bail. If the bail is granted, there is every likelihood of absconding and hampering the investigation. So this is not a fittest case to enlarge the petitioners on bail, even though they are in custody ever-since from the date of arrest.

7.In the result, both criminal original petitions are **dismissed**.

sd/-
28/07/2022

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/08/2022

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

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<https://www.mhc.tn.gov.in/judis>



Note : In view of the present lock down owing to COVID-19, 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.

WEB COPY

To

- 1.THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 2.THE OFFICER INCHARGE,
KOKIRAKULAM PRISON,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.12941 of 2022
Date :28/07/2022

RK/PN/SAR-III/01.08.2022/3P/5C