



Crl.O.P.No.16104 of 2023

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**G.CHANDRASEKHARAN. J.**

The petitioners namely Seshanth Kumar and Venkatesan, who were arrested and remanded to judicial custody on 10.03.2023 for the offences punishable under Sections 109 and 363 IPC in Crime No.295 of 2022 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are accused in Crime No. 295 of 2022. Originally the case was registered under boy missing case and later, altered into offences under Sections 109 and 363 IPC. Petitioners are falsely implicated in this case. Petitioners are in judicial custody from 10.03.2023. Thus, he prays for grant of bail.

3. In response, learned counsel for the intervenor submitted that, defacto complainant's husband is the 8<sup>th</sup> accused and mother in law is the 9<sup>th</sup> accused. There is a matrimonial discard between the defacto complainant and her husband. Therefore, defacto complaint is living in her parent's house with her 4 year old child. At the instigation of her husband, other accused



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had kidnapped the minor son from the custody of the defacto complainant on 13.11.2022. These petitioners have assisted the main accused in arranging the funds and logistic support for kidnapping the minor son. With regard to the custody of the minor son, HCP.No.2393 of 2022 is pending. Still the petitioners are financing and supporting the 8<sup>th</sup> accused. If the petitioners are released on bail, investigation may be delayed and that absconding accused cannot be secured. Thus, he prays for dismissing this petition.

4. The learned Government Advocate (Crl. Side) supported the submissions of the learned counsel for the intervenor. Petitioners are not co-operating for the investigation and they have not revealed certain details that are required to take the investigation to the next level. He further submitted that, the whereabouts of the child is not known till now. Therefore, he strongly opposed this petition.

5. Considering the nature of the allegations made in the first information report against the petitioners and that the some of the co-accused is still absconding, that petitioners are not co-operating with the investigation, and that whereabouts of the child is not known, this Court



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is not inclined to grant bail to the petitioners. Accordingly, this Criminal  
Original Petition is dismissed.

**20.07.2023**

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