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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/02/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP (MD) . Nos.2887 and 2898 of 2023

1. Mukesh Patel

2. Subramanian

3. Dinesh Patel

... Petitioners/Accused Rank Not Known
in Crl.OP (MD) No.2887 of 2023

1. Ramesh D Patel

2. Mahendra N Patel

... Petitioners/Accused Rank Not Known
in Crl.OP (MD) No.2898 of 2023

Vs

The State rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Cr. No. 24/2023.

... Respondent/Complainant
in both petitions

Mariappan Vineeth

... Petitioner/Intervener
In Crl.MP (MD) .2993/2023
in Crl.OP (MD) .2887/2023

... Petitioner/Intervener
In Crl.MP (MD) .2981/2023
in Crl.OP (MD) .2898/2023

For Petitioners : Mr.C.SARAVANAKUMAR, Advocate
in Crl.OP (MD) No.2887 of 2023

For Petitioners : Mr.R.J.KARTHICK, Advocate
in Crl.OP (MD) No.2898 of 2023

For Intervenor : Mr.D.VENKATESH, Advocate
in Both Petitions



For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor
in Both Petitions

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

COMMON PRAYER :- For Bail in Crime No. 24 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused in CrI.OP(MD)No.2887 of 2023, who were arrested and remanded to judicial custody on 28.01.2023 and the petitioners/Accused in CrI.OP(MD)No.2898 of 2023, who were arrested and remanded to judicial custody on 31.01.2023, for the offence punishable under Sections 147, 294(b), 324, 427, 366, 506(ii), 212, 120(B) of I.P.C r/w 24 of I.P.C, in Crime No. 24 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Vineeth is that he is working as a Software Engineer and there was a love affair between him and one Kuruthika Patel, who is the daughter of A1. Since he belongs to a different community, her family was against their love and thereby, he and the said Kuruthika Patel eloped and got married on 27.12.2022 at Nagercoil. Meanwhile, the first accused lodged a complaint regarding marriage of his daughter and thereby, the defacto complainant and his wife came to the Police station for enquiry. During enquiry, Kuruthika Patel had informed that she is living with the defacto complainant. Whereas, on 14.01.2023, when they went to the hospital, the first and second accused quarrelled with them. Therefore, the defacto complainant had lodged a complaint and an enquiry was conducted. On 25.01.2023, the defacto complainant, his wife, his father and his brother have come to the Police Station and attended the enquiry and returned to their home in his car bearing Registration No.TN 76 AE 2328. When the car was nearing to Elanji Alan Chips Shop at about 02.30 p.m., the accused persons came in a car bearing Registration No.TN 76 AC 6363, dashed the defacto complainant's car and caused damages to the left side windshield of the car, by an iron rod. Apprehending life threat, the defacto complainant and others went into the Ragavendra Timber Shop's office, where the accused persons followed them, abused and assaulted the defacto complainant's party and also kidnapped his wife/victim in their Car and fled away. Hence, the complaint.

3.Mr.C.Saravanakumar, the learned counsel appearing for the petitioners in CrI.OP(MD)No.2887 of 2023 would submit that the petitioners are arrayed as A8, A9, and A10. They are innocent and have not committed any offence as alleged by the prosecution. The names of the petitioners does not find place in the FIR. The allegations against the petitioners is that they have associated



with the main accused to kidnap the victim Kuruthika to Gujarat. The defacto complainant has filed a Habeas Corpus Petition in HCP (MD)No.148 of 2023 for production of the victim, pursuant to which, the victim appeared before the Division Bench of this Court in person and had submitted that she was not kidnapped by anybody and she has also denied the allegations made by the prosecution. Now, the victim is in custody with her maternal uncle. In this case, the alleged victim has been secured and major part of the investigation is completed and the petitioners were arrested on 28.01.2023 and they are in custody for the past 24 days. Hence, prays to release the petitioners on bail.

4.Mr.R.J.Karthick, the learned counsel appearing for the petitioners in Crl.OP(MD)No.2898 of 2023 would submit that the petitioners are arrayed as A11 and A12. They are innocent and have not committed any offence as alleged by the prosecution. The names of the petitioners does not find place in the FIR. The allegations against the petitioners is that they have associated with the main accused to kidnap the victim Kuruthika Patel to Gujarat. The petitioners were arrested on 31.01.2023 and they are in custody for the past 20 days. Hence, prays to release the petitioners on bail.

5.(i) Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of grave nature, where two adults who have got married from different communities were separated on account of communal honor. The defacto complainant had married one Kuruthika Patel, who belongs to a different community. The parents of the said Kuruthika Patel had attempted to kidnap and take the said Kuruthika Patel from the custody of her husband. After two foiled attempts, the parents have engaged hirelings, who have assaulted the defacto complainant and his family members, in a broad day light and in a daring manner, kidnapped the victim girl. They have taken the victim girl by changing cars and taken her to Gujarat, where they have kept her in illegal detention and had obtained a statement from her, as if, she is married to another person in Gujarat. He would submit that the defacto complainant had filed a petition in HCP(MD)No.148 of 2023, before this Court and the victim also appeared before the Division Bench of this Court. Despite CCTV footages available to show that the accused persons had assaulted the defacto complainant and his family members and kidnapped the victim in a broad day light, the victim has been either threatened or compelled to give a false statement before the Court. The manner in which, the family members of the defacto complainant were assaulted and the victim was kidnapped in a gruesome manner is available in the CCTV footages. Further, he would submit that the petitioners are close associates of the parents of the victim Kuruthika Patel. There are ample materials to show that the accused persons had conspired and kidnapped the victim and thereafter, under threat had made the victim to give a different version, despite the availability of electronic evidence. He would submit that the main accused are



still at large and if bail is granted to the petitioners at this stage, there is every possibility for interfering with the course of investigation and seeks to dismiss the bail petitions.

6. The learned counsel for the intervener would submit that the love affair of the defacto complainant and the victim was opposed by victim's father/Al, since they belong to a different community. Therefore, the victim's father/Al conspired with the other accused, belonging to his community, to kidnap the victim. Before the occurrence, two attempts were made to kidnap the victim. Later, on 25.01.2023, when the defacto complainant and his family members returned from the police station, they were assaulted by the accused persons and kidnapped the victim. Hence, prays to dismiss the petition.

7. In reply, Mr.R.J.Karthick, the learned counsel appearing for the petitioners in Crl.OP(MD)No.2898 of 2023 would submit that the victim has not made any allegations, as against the petitioners as if she was kidnapped by them. The victim is a major. The name of the petitioners does not find a place in the FIR and the presence of the petitioners were also not found in any of the CCTV Footages. Hence, prays to release the petitioners on bail.

8. Heard the learned counsels and perused the materials placed before this Court.

9. Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the victim has been secured and she has not made any allegations as against the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Senkottai**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent Police daily at 10.30 a.m., and 05.30 p.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;



(f) the petitioners shall not tamper with evidence or either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/02/2023

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20/02/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE,
SENKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SARAVANAKUMAR.C Advocate SR.No.2511

+1. CC to M/S.R.J.KARTHICK, Advocate SR.No.2562 Dt.21/02/2023

ORDER

IN

CRL OP (MD) . Nos.2887 and
2898 of 2023

Date :20/02/2023

SA/BUC/SAR. /20.02.2023/5P/8C