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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.6340 and 6834 of 2023

1. Vishal@vishal K.Pokar,
2. Kirithipattel@kirtikumar M.Patel,
3. Rasu@shunmugaraj ... Petitioners/Accused Nos.3, 4 & 6
in CrI.O.P(MD) No.6340 of 2023

1. Naveen Pattel,
2. Tharmishtha Pattel,
3. Maithrik ... Petitioners/Accused Nos.1,2 & 7
in CrI.O.P(MD) No.6834 of 2023

Vs

The State represented by
The Inspector of Police,
Courtallam,
Tenkasi District.
Cr.No.24/2023. ... Respondent/Complainant
in both petitions

(In CrI.O.P(MD) No.6340 of 2023)

For Petitioners : M/s. Saravanakumar.C,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

(In CrI.O.P(MD) No.6834 of 2023)

For Petitioner : M/s.Srirengan.R.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

(In both petitions)

For Intervenor : Mr.P.M.Vishnuvarthanan
Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C



COMMON PRAYER :-

For Anticipatory Bail in Crime No. 24/2023 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 324, 427, 366, 506(ii) of IPC @ 120(B), 147, 212, 294(b), 324, 366, 427 and 506(ii) of IPC in Crime No. 24 of 2023 in Crime No. 24 of 2023 on the file of the respondent police, seek anticipatory 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 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. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the defacto complainant is none other than the husband of the victim. The victim girl is major aged about 23 years. She fell in love with the defacto complainant and got married and on her own she went along with the defacto complainant. Infact the parents of the victim girl filed a Habeus Corpus Petition before this Court in HCP(MD) No.148 of 2023 in which the victim girl was produced before this Court and she has stated that she is not willing to go with her parents and also denied the allegations levelled against the defacto complainant. Recording the said submission the said petition was closed on 16.02.2023. Thereafter



this Court had directed the petitioners to bring the victim before this Court on three occasions, whereas they did not produce the victim before this Court.

5. Today, the learned counsel for the petitioners submitted that the victim girl is in Badrinath and seeks further time for appearance of the victim girl, it shows that the petitioners being close relatives and parents have kidnapped the victim girl and refused to produce her before the Court. That apart CCTV footages produced by the respondent clearly shows that the petitioners have kidnapped the victim girl. Further the victim girl is major and she can take her decision on her own. she fell in love with the defacto complainant and got married. This Court apprehends that there would be honour killing, therefore the respondent shall protect the victim girl and the defacto complainant, hence custodial interrogation of the petitioners are very much required in this case.

6. In the result, these petitions stand dismissed. It is also made clear that the respondent shall take immediate steps to secure the victim girl from the hands of the petitioners in order to protect her and her life.

sd/-

12/04/2023

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/04/2023

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

AAV

TO

- 1 THE INSPECTOR OF POLICE
INSPECTOR OF POLICE COURTALLAM, TENKASI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-5877, 5878[I] dated 13/04/2023)

ORDER

IN

CRL OP (MD) . Nos.6340

and 6834 of 2023

Date :12/04/2023

SS/VR/SAR III/17/04/2023/3P/5C