



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2023
PRESENT

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

CRL OP(MD). No.10231 of 2023

Navin S Patel,

... Petitioner/Accused 1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.N.ANANDHA PADMANABHAN, Senior Counsel
for M/s.KARUPPASAMY PANDIYAN G, Advocate.

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

For Intervenor : Mr.P.M.VISHNUVARTHANAN, Advocate

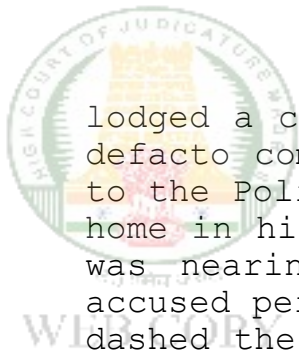
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

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

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded judicial custody on 29.04.2023 for the offences punishable under Sections 147, 294(b), 324, 427, 366, 506(ii), @ 147,294(b),324,427,366, 506(ii),212 and 120(b) of IPC, 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 de facto 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 de facto complainant's car and caused damages to the left side windshield of the car, by an iron rod. Apprehending life threat, the de facto complainant and others went into the Ragavendra Timber Shop's office, where the accused persons followed them, abused and assaulted the de facto complainant's party and also kidnapped his wife/victim in their Car and fled away. Hence, the complaint.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are totally 7 accused in this case and the petitioner is arrayed as A1. He is none other than the father of the victim girl, who is aged about 24 years. According to the de facto complainant, he got married with the victim girl and thereafter, the petitioner kidnapped the victim girl from his custody. Simultaneously, A7 also lodged a complaint alleging that the de facto complainant kidnapped his wife, since he got married the victim girl. On receipt of the same, C.S.R.No.12 of 2023 is pending for enquiry. On the complaint lodged by the de facto complainant, the respondent police registered the First Information Report in Crime No.24 of 2023. In pursuant to the registration of FIR, the petitioner was arrested on 29.04.2023. In fact, the de facto complainant also filed a Habeas Corpus Petition before this Court in H.C.P(MD)No.148 of 2023, in which, the victim girl was produced before this Court. She categorically deposed that her parents never kidnaped/abducted her at any point of time. She also deposed that she got married with A7 even before went along with the de facto complainant.

5.The learned Senior Counsel appearing for the petitioner would submit that the victim girl never kidnapped/abducted by the petitioner or any of the family members as alleged by the prosecution. The victim girl was married to A7 and she was never got married with the de facto complainant at any point of time.

6.Today, the victim girl is present before this Court and deposed that she was never kidnapped by her father or abducted by her parents or any of the other accused persons and she got married the seventh accused and their marriage is still subsisting. She never got married the de facto complainant and she is now residing with her grandparents at Thenkasi. That apart A2 and A7 had filed an application before the Hon'ble Supreme Court of India in Special Leave Petition No.5808 of 2023 and the Hon'ble Supreme Court gave



before the Hon'ble Supreme Court and deposed the facts in the manner.

7. Considering the above statement of the victim girl and also considering the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

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

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/06/2023

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



1 THE JUDICIAL MAGISTRATE,
SHENCOTTAH.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, THIRUNELVELI.

4 THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
THENKASI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.8552

+1 cc to Mr.P.M.VISHNUVARTHANAN, Advocate, SR.No.8599 Dt.13/06/2023

**ORDER
IN**

CRL OP(MD) No.10231 of 2023
Date :12/06/2023

SA/BUC/SAR. /12.06.2023/4P/8C