



Crl.M.P.No.7770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.7770 of 2024

in Crl.A.No.590 of 2024

Kathiravan @ Kathir  
(Petitioner name amended as per  
order dated 05.06.2024 in  
Crl.M.P.No.8008 of 2024  
in Crl.A.No.590 of 2024)

...Petitioner

Vs.

The State rep. By the  
Inspector of Police,  
E-5, Pattinapakkam Police Station,  
Chennai - 13  
(Crime No.833 of 2013)

...Respondent

**Prayer:** Miscellaneous Petition has been filed under Section 389(1) r/w 439 of Cr.P.C., to suspend the sentence of imprisonment imposed on the petitioner in S.C.No.368 of 2022 on the file of learned XXI Additional Sessions Court at Allikulam, Chennai vide Judgment dated 12.04.2024 and to enlarge the petitioner on bail.

For Petitioner : Mr.R.Dhanasekar

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor



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**ORDER**

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioner in S.C.No.368 of 2022 on the file of learned XXI Additional Sessions Court at Allikulam, Chennai vide Judgment dated 12.04.2024 and to enlarge the petitioner on bail.

2. The trial Court has convicted the petitioner/A1 and sentenced him to simple imprisonment for a period of five years with a fine of Rs.10,000/- in default of payment of fine, to undergo Simple imprisonment for six months under Section 363 of IPC. The petitioner was in judicial custody in this case from 14.08.2013 till 02.04.2014 and from 05.03.2024 till date.

3. The case of the prosecution is that a class teacher of a reputed school in South Chennai lodged a complaint to the police on 08.08.2013, that an LKG child aged about 3.5 years was kidnapped from her class room. On gaining knowledge about the same, the parents of the child



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rushed to the school and enquired the school authorities. They also accessed the CCTV footage on the same day and it was revealed that a person was taking the child along with him by holding the child's bag in his shoulder. At that time, the parents received a phone call demanding ransom to let off the child. The parents of the child prioritizing the child's welfare, left the school immediately, and managed to pay the ransom through jewels and free of the child on the same day evening. Based on the said incident, the respondent police had registered a case in Crime No.833 of 2013.

(ii). During the course of investigation, the Inspector of Police enquired the van drivers of the school and finally arrested A2, being the van driver who used to drop the child in school. A2 voluntarily confessed about his involvement in the occurrence along with other accused namely A1, A3, A4 and A5. A1/petitioner absconded after knowing that his accomplices were arrested. Based on the confession of A2, A3 to A5 were arrested.



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4. Learned counsel appearing for the petitioner submitted that the petitioner/A1 is an innocent person who is no way connected with the alleged offence and a false complaint has been foisted against him. However, CCTV footage reveals only the back side of the person who involved in the offence. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

6. Considering the overall facts and circumstances of the case and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner ***is ordered to be released on bail*** subject to the following conditions:

*(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each*



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*for a like sum to the satisfaction of the learned XXI Additional City*

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*Civil Court Judge, Allikulam, Chennai.*

*(ii)the petitioner shall appear before the respondent police  
weekly once i.e. First working day of every week at 10.30 a.m. until  
further orders;*

**05.06.2024**

msv

**Note to office: Issue order copy on 07.06.2024**

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

To

1. The XXI Additional City Civil Court Judge,  
Allikulam, Chennai.

2. The Superintendent, Central Jail,  
Puzhal.

3Inspector of Police,  
E-5, Pattinapakkam Police Station,  
Chennai - 13

4.The Public Prosecutor,  
High Court of Madras,  
Chennai – 600 104.

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**M.DHANDAPANI, J.**

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