

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, NAMAKKAL

Present: Thiru.K.H.Elavazhagan, B.Sc., M.L.,
Principal Sessions Judge,
Namakkal.

Tuesday the 26th day of May 2020

CMP.No.570/2020

(Cr.No.321/2020, Sendamangalam P.S., Judicial Magistrate No.II, Namakkal)

1. Murugan, (38), S/o. Krishnan
2. Mukesh, (20), S/o. Murugan

... Petitioners/Accused

/VS/

State by Inspector of Police,
Sendamangalam P.S.

... Respondent/Complainant

Petition filed u/s. 438 Cr.P.C. dated 21.05.2020 to grant an anticipatory bail.

This petition is coming on this day through E-mail filed by counsel for the petitioners Thiru.A.Nallasivam, Advocate and Thiru.K.Dhanasekaran, Public Prosecutor filed objection through E-mail for the respondent and upon hearing both sides through videoconferencing and upon perusing both side contentions, this court delivered the following:

ORDER

Heard both sides through video conferencing. Both side contentions perused.

The petitioners/accused Murugan and Mugesh are seeking anticipatory bail for the offence alleged to have been committed by him u/s 366 of IPC in Cr. No. 321/2020 of Sendamangalam PS.

The learned counsel for the petitioner/accused submits that in fact the daughter of the defacto complainant got love affair with the 2nd accused Mugesh unilaterally. The parents of the victim assaulted her and due to which she herself attempted to commit suicide. This petitioner is no way connected with the occurrence. Due to previous enmity between the parties, this false case has been foisted against this petitioners. This petitioners never committed any offence as alleged in the FIR. They are apprehending arrest in the hands of the respondent and prays to release them on anticipatory bail.

The learned Public Prosecutor submits that this petitioner kidnapped the minor girl aged about 17 years. Further submits that the charge sheet is going to be altered under POSCO Act. Hence, he strongly objected to release him on bail.

It is seen that the petition is filed through E.mail and hence, the court fees should be

paid before this court, after the lifting off National Wide Lockdown.

It is seen that the prosecution has submitted that this petitioners have kidnapped the minor girl, aged about 17 years and hence, the charge sheet is going to be altered into POSCO Act. If charges have been filed u/s POSCO Act, then this court has no jurisdiction to entertain the petition. Considering the same and also considering the fact that the presence of this petitioner is necessary for interrogation, I am not inclined to allow this petition.

In the result, this petition is dismissed.

Pronounced by me in open court this the 26th day of May 2020.

Sd/- K.H.Elavazhagan,
Principal Sessions Judge,
Namakkal.

To
The Public Prosecutor, District Court, Namakkal.