

Therefore, the prosecution did not have the opportunity to adduce his evidence and consequently we do not have the benefit of the same. However, ample material has been brought on record to prove that the first accused used to unduly favour P.W.-1 and her family, and showed unwanted personal attention to P.W.-1. Accused No. 1 tried to taint Santha Kumar's image in the eyes of P.W.-1, and also used to threaten Santha Kumar with direct consequences if he did not ⁸⁰keep away from P.W.-1.

The evidence of P.W.-5, who is the brother of the second wife of Accused No. 1, reveals that Accused No. 1 had taken one Kruthiga sister of P.W.-5 as his second wife using the same measures and tactics that he was using against P.W.-1. The Courts have mainly relied on the evidence of P.W.-1 and P.W.-2 to conclude that Accused Nos. 2 to 9 had abducted Santha Kumar and P.W.-1 upon the instructions of Accused No. ¹⁶⁰1. Though the Trial Court and the High Court have taken pains to assess the material on record meticulously, in order to satisfy our conscience, we have revaluated the evidence of these two important witnesses in entirety.

To prove the crime, as mentioned supra, the most important testimony would be that of P.W.-1, as she was also abducted along with Santha Kumar and was confined in the house of Accused No. 14 by the accused. At the risk of repetition, we ²⁴⁰would like to reiterate a few important circumstances as deposed by P.W.-1. P.W.-1 has deposed in detail about how Accused No. 1 hoped to marry her and unduly favoured her and her family. For instance, she deposed that when she was admitted in a hospital due to some illness, Accused No. 1 forcibly made her shift to another hospital under the pretext of better treatment, and even gave her a mobile phone to contact him in case she needed anything. ³²⁰

It is amply clear from the deposition of P.W.-1 that Accused No. 1 even tried to convince P.W.-1 that her husband Santha Kumar was infected with HIV and had other health issues, in a bid to discourage her from having sexual relations with her husband. He also came to the house of P.W.1 and proposed to her to live with him as his third wife and used to coerce Santha Kumar to desert P.W.-1 and reside elsewhere, so that he ⁴⁰⁰could marry P.W.-1.

In the matter on hand, the entire family of P.W.1 was at the mercy of Accused No. 1, who was very rich and influential. Accused No. 1 acted as a benefactor to the family and had helped them financially and otherwise on multiple occasions. Under such circumstances, P.W.-1 might have been reluctant to lodge a complaint immediately after the occurrence of the said incident, especially when Accused No. 1 had employed his henchmen to keep the house. ⁴⁸⁰