



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14078 of 2016

MOHAMMED MOIDEEN

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, PALAYAMKOTTAI,

TIRUNELVELI DISTRICT.

(CRIME NO.178/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SUBASH BABU Advocate

For Respondent : M/S.P.KANNITHEVAN,

Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 366(A) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.178 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

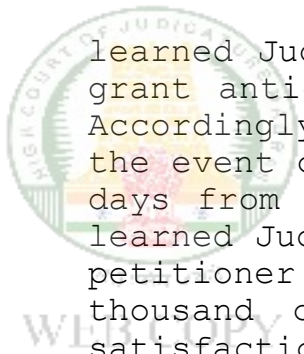
2.The case of the prosecution is that the petitioner kidnapped the minor daughter of the defacto complainant by way of giving assurance that he will marry her. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioner submitted that both the petitioner and the defacto complainant loved each other and they eloped. Subsequently, the defacto complainant filed a petition in H.C.P(MD)No.189 of 2016 and the detenu was produced before this Court and she gave a oral statement that the petitioner did not kidnap her and she voluntarily went to the petitioner and the victim is with her parents.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the victim girl was secured and also considering the statement given by the victim girl before the



learned Judicial Magistrate, Tirunelveli, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily twice at 10.30 a.m., and 05.00 p.m., until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
30/08/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- +1. CC to M/S M.SUBASH BABU Advocate SR.No.48517
RL/6C/2P/SS2/SARIII/6/9/2016

ORDER
IN
CRL OP(MD) No.14078 of 2016
Date :30/08/2016