



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.8363 of 2016

MOHAMMED IBRAHIM @ REEGAN ... PETITIONER/SOLE ACCUSED

P.PANNEER SELVAM ... INTERVENERS/COMPLAINANTS

Vs

THE STATE REP.BY
THE INSPCTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.281/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.ABDUL RAHMAN Advocate
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)
For Intervenor : M/S.K.ANANDAN, Advocate

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 Sections 366(A) and 365 IPC, in Crime No.281 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

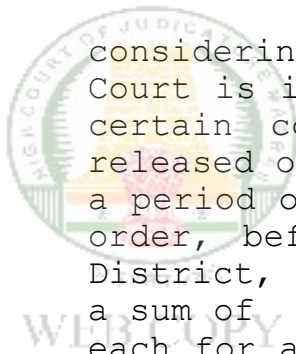
2.The case of the prosecution is that the accused kidnapped the daughter of the de facto complainant, namely Pavithra, aged about 18 years. On complaint case has been registered for the above said offences.

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. Both petitioner and daughter of de facto complainant are lovers. Due to that, false complaint has been given by the de facto complainant.

4.The learned Government Advocate (Criminal side) submitted that the victim girl is aged about 17 years and she has been secured and her statement was also recorded and now she is in Kuzhandaigal Nala Kulumam, Theni.

5.The de facto complainant has filed an intervening petition, wherein it is stated the petitioner kidnapped his minor daughter, aged about 17 years.

6.Considering the facts and circumstances of the case and also



considering the fact that the victim girl has been secured, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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, Periyakulam, Theni District, 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 at 10.00 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/-
24/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE INSPCTOR OF POLICE, DEVATHANAPATTI POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.ABDUL RAHMAN Advocate SR.No.32885
ORDER
IN

CRL OP(MD) No.8363 of 2016
Date :24/06/2016