



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

Friday, the Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1655 of 2018

PRABAKARAN

... PETITIONER/ACCUSED No.3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
IN CRIME NO.256/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

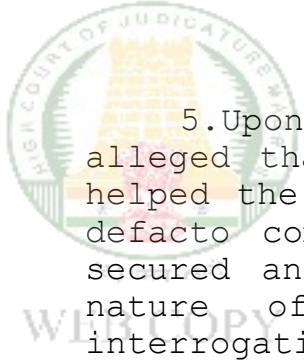
ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 363 and 420 I.P.C., in Crime No.256 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused with the help of second and third accused kidnapped the defacto complainant's daughter by giving wrong information that her relative was admitted in hospital and taken her. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that the petitioner is the friend of A1. A1 brought the victim girl as if her sister of the victim girl admitted in the hospital. This petitioner helped the A1 and sent both of them in the bus. A1 already granted anticipatory bail. According to him, investigation is still pending.



5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner herein helped the A1 for kidnapping the girl, who is the daughter of the defacto complainant. As of now, the girl who was kidnapped was secured and the case is under investigation. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation. Accordingly, he 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, Thiruvadanai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 for a period of three weeks and thereafter as and when required for interrogation.

(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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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].

sd/-
02/02/2018

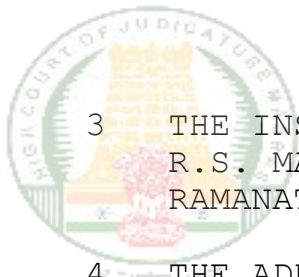
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT



3

3 THE INSPECTOR OF POLICE
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.1840

ORDER
IN
CRL OP(MD) No.1655 of 2018
Date :02/02/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/6c