



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

Wednesday, the Eighteenth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.6013 of 2018

SHIEK DAWOOD

... PETITIONER / ACCUSED
(Rank Not Known)

Vs

THE STATE REPRESENTED BY
THE INSEPCTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO. 59 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.THIRUVADIKUMAR Advocate

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

For Intervener : Mr.M.KARUNANITHI, Advocate

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under Sections 341, 147, 148, 294(b) & 365 of IPC, in Crime No.59 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The learned counsel for the intervener strongly submitted that the petitioner had kidnapped the minor child. According to him, the minor child was in the custody of the mother and that the child was taken in the school van and that the petitioner way laid and thereafter kidnapped. He further submitted that there was matrimonial dispute between the father and mother and that the mother has already obtained an order in her favour as regards the custody of the minor daughter.

4. This Court is of the view that the parties can work out their rights as regards the custody before the appropriate



jurisdictional forum. Since it is only the father/petitioner herein who is said to have been taken custody of the minor child, this Court is of the view that arrest is not really warranted. Hence, 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 before the learned Judicial Magistrate, Thiruvaiyaru and executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

5. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
18/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSEPCTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.A.THIRUVADIKUMAR Advocate SR.No.6505

ksa
JAM/24/04/2018/ PN/ASVM/ 2p-6c

ORDER
IN
CRL OP(MD) No.6013 of 2018
Date :18/04/2018