



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8678 of 2022

1 MUSTHAFA

[PETITIONERS / ACCUSED]

2 SAMSATH

3 HAJEERA SAJAHAN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
MANGALAM, TIRUPPUR DISTRICT
CRIME NO.80/2022

[RESPONDENT]

For Petitioner : M/S. S.LAKSHMANASAMY Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners herein, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 365 of IPC, in Crime No.80 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are in-laws of the de facto complainant, who has been now deprived of custody of her child after the demise of her husband. It is alleged that the petitioners have kidnapped her seven years old boy.

3. The learned counsel for the petitioners admits that the child is at the custody of the petitioners but contended that even before the demise of the de facto complainant's husband, the child was left to the custody of the petitioners.

4. Considering the nature of the complaint, arrest of the petitioners is not required. The respondent police is directed to



investigate the case in accordance with law and file a final report as expeditiously as possible. This Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Palladam, on condition that each of the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the Investigating Officer daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

18/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
MANGALAM, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.LAKSHMANASAMY Advocate on payment of necessary
charges SR.NO. 5875

CRL OP.8678/2022

Date :18/04/2022

RW 21/04/2022