



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13670 of 2022

Muhammed Mubaraq @ Muniyasamy

.. Petitioner

Vs.

State rep. by,
The Inspector of Police,
Mangalamedu Police Station,
Perambalur District
crime No.117 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.117 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Sathishkumar

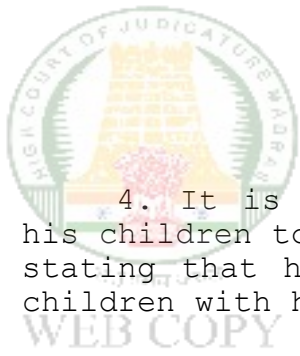
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2022 for the offence punishable under Sections 364(A) and 365 of IPC in crime No.117 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner married the defacto complainant as per Muslim rights and they had two sons. While being so, the petitioner got divorce from his wife before Jamaat by way of Talaq. Thereafter, the defacto complainant lodged a complaint stating that the petitioner kidnapped the children and thereafter they were secured by the police. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner met his children and they came with the petitioner to his house. Further, he also informed the same to the defacto complainant. However, the false complaint has been lodged against the petitioner. Hence, he prays to grant bail to the petitioner.



4. It is seen that the petitioner, being the father, had taken his children to his home. The defacto complainant had lodged complaint stating that he has kidnapped the children. However, taking his own children with him would not amount to crime.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Kunnam and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

15/06/2022

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.



TO

1 THE JUDICIAL MAGISTRATE,
KUNNAM

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S A.SATHISHKUMAR Advocate on payment of necessary
charges SR.NO.9105

CRL OP.13670/2022

Date :15/06/2022

JPA 16/06/2022