



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.11622 of 2016

1 SHANTHI SEKARAN,
2 RAJASEKARAN,

... PETITIONERS / ACCUSED NO.5 AND 6

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
KODAL PUDUR POLICE STATION,
KODAL PUDUR,
MADURAI.

CRIME NO.852 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.R.SWAMINATHAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused Nos.5 and 6, were arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Sections 370(4), 511 of IPC r/w. 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 U/s. 109, 370 (4), 511 of IPC r/w. 34 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.852 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioners and other accused persons conspired together and made arrangements to sell the child and the same was informed to the Child help line. On complaint, a case has been registered against the petitioners.

3.The case of the petitioners is that one Preethi was admitted in the hospital, which was run by the petitioners for delivery and she delivered the child in the hospital,. After delivery, she was discharged from the hospital and subsequently, she came to the hospital and informed to the first petitioner that her husband is suspecting her character and hence, she wanted to leave the child in the hospital run by the petitioners. The first petitioner did not agree for the same and she left the hospital. The second petitioner who is the husband of the first petitioner contacted A1 to A3, who are running a Trust in the name of the "Golden Foundation" and they agreed to take the child in their custody and help him to give the child for adoption, after following the procedure. The Trust did not have any facility to keep and maintain the just born child in the custody. Therefore, they handed over the child to one Kavitha, who is the staff in the Trust.



The petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and prays for enlarging the petitioners on bail.

4. The learned Government Advocate (Crl.side) submitted that on investigation it has been found out the involvement of the petitioners and other accused in sale of child. He further submitted that A2 wanted the new born child and hence, the second petitioner who is the friend of A2 informed, the child is available for sale with intention to get money and agreed to give a new born child. A1 to A3 got the child with the help of A4 and gave to one Packiyalakshmi to keep the just born child. It is further contended that the petitioners were arrested and remanded to judicial custody on 23.06.2016 and the documents were recovered from the hospital. From the records it is seen that the name of the mother of the just born child is not entered in the record and they have to examine the staff of the Hospital and records and the investigation is in preliminary stage. If the petitioners are enlarged on bail they will tamper the witnesses, tamper the evidence and hamper the investigation and prayed for dismissal of this petition.

5. Considering the serious nature of allegations that the petitioners and other accused are involved in racket of sale of child and that the petitioners are also actively involved in the offence and that the investigation is in preliminary stage, this Court is not inclined to enlarge the petitioners on bail.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
26/07/2016

/ TRUE COPY /

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

TRP
TO

1 THE INSPECTOR OF POLICE, KODAL PUDUR POLICE STATION,
KODAL PUDUR, MADURAI. CRIME NO.852 OF 2016.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN,
MADURAI.

4 THE SUPERINTENDENT OF CENTRAL PRISON, MADURAI.

+1. CC to M/S G.R.SWAMINATHAN Advocate SR.No.40142

GJM/SK.SKN/SAR-III-4.8.16-2P-6C

ORDER
IN
CRL OP (MD) No.11622 of 2016
Date :26/07/2016