



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14253 of 2016

1 R.SHANTHI SEKARAN,
2 RAJASEKARAN,

...PETITIONERS/ACCUSED No.6 to 7

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
D3 KODALPUDUR POLICE STATION,
MADURAI CITY,
CRIME NO.852 OF 2016.

... RESPONDENT/ COMPLAINANT (

For Petitioner : M/S.VEERAKATHIRAVAN, Senior Counsel for
M/S.R.ANAND Advocate

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

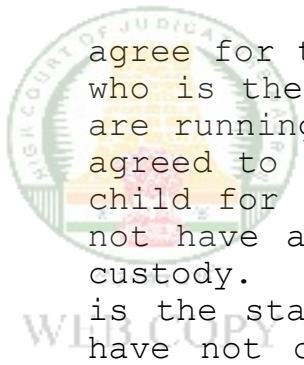
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.6 and 7, who were arrested and remanded to judicial custody on 23.06.2016 for the alleged offences punishable under Sections 370(4) and 511 IPC read with Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 @ Sections 109, 370(4), 511 IPC read with Sections 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 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 the petitioners are in judicial custody from 23.06.2016 and prays for enlarging the petitioners on bail.

4.The learned Government Advocate (Crl.side) submitted that on investigation it has to be find out the involvement of the petitioners and other accused in sale of child. He further submitted that A2 wanted a new born child and hence the second petitioner who is the friend of A2 informed that a 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 pending. 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. This Court dismissed the earlier bail petition filed by the petitioners vide order dated 26.07.2016 made in Crl.O.P(MD)No.11622 of 2016.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 23.06.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners shall execute 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 No.4, Madurai.
- (ii)the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii)the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv)the petitioners shall not abscond either during investigation or trial.
- (v) 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioners are complying with the condition or not.

sd/-
17/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.4
MADURAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT
SPECIAL PRISON FOR WOMEN,
MADURAI.

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE,
KODAL PUDUR POLICE STATION, MADURAI CITY,

6 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ANAND Advocate SR.No.44902.

ORDER
IN
CRL OP(MD) No.14253 of 2016
Date :17/08/2016

AM/KP/SAR-III/17.08.2016/3P/8C