



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

Monday, the Fifth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.22269 of 2016

SIMSON KUMAR

... PETITIONER/ACCUSED NO.5

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO. 392OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.H.ELANGO Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

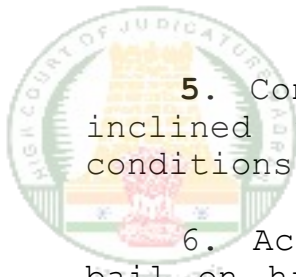
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.11.2016, for the offences punishable under Sections 294(b), 506(i), 406, 420 and 363 of IPC., in Crime No.392 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that a few days old child, whose mother has abandoned the child and it was handed over to A1. A1 to A11 conspired together and they sold the child under the pretext of giving adoption and received a sum of Rs.2,15,000/- from the defacto complainant, by promising to make necessary arrangements for fulfilling the procedures of adoption.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that it is not possible to travel 11 persons in a TATA Indica Car and the overt act against the petitioner is that he has accompanied with other accused. He also submitted that as per the version of prosecution A1 alone sold the child to the defacto complainant without any documents.

4. The learned Government Advocate (crl.side) submitted that A1 to A11 conspired together and they sold the child under the pretext of giving adoption and received a sum of Rs.2,15,000/- from the defacto complainant, by promising to make necessary arrangements for fulfilling the procedures of adoption. He would further submit that A9 to A11 are already granted bail by the jurisdictional Magistrate.



5. Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner subject to certain conditions.

6. 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, Tenkasi, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, for interrogation.

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

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

[d] 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]**.

sd/-
05/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.H.ELANGO Advocate SR.No.79136
MPK
CSL/GSV-PM/SAR-I/07.12.2016: 2P/6C

ORDER
IN
CRL OP(MD) No.22269 of 2016
Date :05/12/2016