



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

Thursday, the Eleventh day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.168 of 2018

M. DEIVANAYAGAM

... PETITIONER/ACCUSED (Not Known)

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE
RAMNAD BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.532 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

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

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

ORDER : The Court Made the following order :-

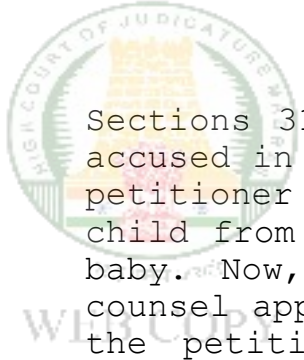
The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 80 and 81 of the Juvenile Justice (Care and Protection Children Act, 2015) and Sections 317 and 370(7) I.P.C in Crime No.532 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were proposed to sell the child from Aadhar Trust, which is run by one Banumathi.

3.The learned counsel appearing for the petitioner submitted that the petitioner is one among the member in the Child Welfare Committee, Ramanthapuram and he was also a member of the Social Welfare Department and on surprise visit, it is seen that Aadhar Trust was not running in a proper manner and the said Banumathi, who runs the Aadhar Trust, has falsely implicated the petitioner in this case.

4.The learned Government Advocate (Criminal Side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the offences under Sections 80 and 81 of the Juvenile Justice (Care and Protection Children Act, 2015) and



Sections 317 and 370(7) I.P.C. The petitioner herein is the fourth accused in the alleged offence. In this case, it is alleged that the petitioner and other accused having common intention to sell the child from the said Trust and thereby proposed to sell the new born baby. Now, on going through the letter submitted by the learned counsel appearing for the petitioner, it reveals that on 07.11.2017, the petitioner herein made inspection in the alleged Trust and obtained certificate from the first accused-Banumathi, in which, the said Banumathi assured that as the child was not taken care by its parents, she was asked to take care of that child and she assured to hand over the child to the Child Welfare Committee. Thereafter, only on 16.11.2017, this case has been registered by the respondent Police. Further, on going through the averments made in the First Information Report, no specific overtact is attributed against this petitioner. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation.

6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioner shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-

11/01/2018

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ps
TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
RAMNAD BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.589

ORDER

IN

CRL OP(MD) No.168 of 2018

Date :11/01/2018

SMA/VC/SAR-3/18.01.2018:3P/6C