



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8218 of 2020

R.Amutha

... Petitioner/Rank not known

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
Cr.No. 8 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Gangatharan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

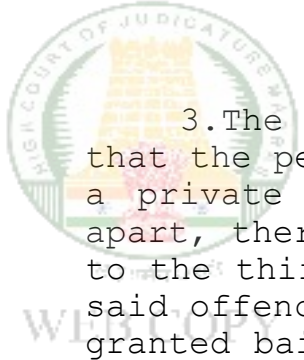
PRAYER :-

For Anticipatory Bail in Crime No.8 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as A-6 in crime No.8 of 2020, on the file of the respondent police for the offences punishable under Sections 406, 417, 420 r/w 109 of IPC and Sections 80, 81 Juvenile Justice (Care and Protection of Children) Act 2015, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Doctor, she is running a private clinic at Devakottai. A-1 in this case by name, Priya Angelin was admitted in the petitioner's hospital and gave birth to a female child on 12.03.2020. Since the mother of the child/A1 is not willing to take the child, the Doctor/petitioner had made arrangement to hand over the child to A-5/Kanjana. Thereafter, the father of the child/de-facto complainant has given a complaint before the respondent police.



3.The learned counsel appearing for the petitioner would submit that the petitioner is a famous Doctor in Devakottai and she running a private clinic and the child was born in her hospital. That apart, there is no role played by the petitioner in giving the child to the third party and she has been falsely implicated in the above said offences. He would further submit that the main accused A-1 was granted bail by the Sessions Court and A-5, who has taken the child was also released on bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is a Doctor, she only made an arrangement to hand over the child to A-5. He would further submit that A-1 and father/de-facto complainant are not willing to take the child and now the child given in legal adoption to the third party through the Child Welfare Committee.

5.Considering the facts and circumstances of the case and also considering the fact that the main accused/A-1 is the mother was also released on bail and A-5 who has taken the child was also released on bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(a)the petitioner and 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 tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]**; and;



(f) if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.II, SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8218 of 2020
Date :17/08/2020

SJI
TE/PN/SAR-III : 19/08/2020 : 3P/5C