



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

Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10066 of 2020

Muthulakshmi

... Petitioner/Accused No.3

Vs

State Represented by,
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
(Cr.No.107 of 2019).

... Respondent/Complainant

For Petitioner : No appearance

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

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

PRAYER :-

For an Anticipatory Bail in Cr.No. 107 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 363, 420, 120(b) of IPC and Sections 34, 80, 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.107 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is the mother of the victim. The case of the prosecution is that the victim had love affair with one Sakthimurugan and thereafter he got married the victim. Out of their wedlock, a male child was born at a private hospital at Kalloorani. After delivery, the Doctors, who are arrayed as A1 and A2, and the petitioner, stated that the baby died. Later the victim came to know that the petitioner and the Doctors sold her baby for huge money to A4 and A5. After three years, the present complainant has been filed.

3.None appearance on behalf of the petitioner and heard the

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learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the male child was rescued. He further submitted that A4 and A5 have handed over the child to the defacto complainant.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in the year 2016 and complaint has been filed in the year 2019 and with a delay of three years and the fact that the male child was rescued, A4 and A5 have handed over the child. Considering the above circumstances, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukkottai, 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:

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

sd/-
22/09/2020

/ TRUE COPY /

/ /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, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE INSPECTOR OF POLICE
M.REDDIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10066 of 2020
Date :22/09/2020

VSG
PK/PN/SAR-2/25.09.2020 : 3P/5C