

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1605 of 2021

Sundarrajan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Annadhanapatty Police Station,
Salem District.
(Crime No.2212 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2212 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.V. Elangovan

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 28.12.2020 for the alleged offence under Sections 363 of I.P.C and Sections 81, 87 of Juvenile Justice (Care and Protection of Children Act, 2015) altered into section 370 (IV) of I.P.C r/w Sections 81, 87 of Juvenile Justice (Care and Protection of Children Act, 2015) in Crime No.2212 of 2020, seeks bail.

2. The case of the prosecution is that A1 in this case along with other accused, with the help of the father of the child had sold the child to the petitioner and received a sum of Rs.4,00,000/-. Based on the complaint given by the defacto complainant, who is mother of the child, a case was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a innocent and he has been falsely implicated in this case. He would submit that some of the co-accused have been enlarged on bail and that the petitioner is in judicial custody for more than 30 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the A1 in this case sold the female child of the defacto complainant through brokers who are arrayed as accused in this case and this petitioner bought the child for a sum of Rs.4,00,000/-. He would further submit that the child was rescued and some of the co-accused in this case have been enlarged on bail. However, she vehemently opposed grant of bail to the petitioner.

5. Considering the fact that the petitioner said to have purchased the child from the father, the child was rescued and some of the accused were granted bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate (ADDL. Mahila Court), Salem and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police every day at 10.30.a.m for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
(ADDL. MAHILA COURT), SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNADHANAPATTY POLICE STATION,
SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S V.ELANGO VAN Advocate on payment of necessary charges SR.NO.1125

CRL OP.1605/2021

Date :04/02/2021

TA-05/02/2021

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