

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.7691 of 2021

1. Karthik
2. Chitra

... Petitioners

Vs.

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

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.2212 of 2020 pending on the file of the respondent.

For Petitioners: Mr.J.Ranjithkumar

For Respondent : Mr.Charles Premkumar
Govt. Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Section 363 of I.P.C. and Section 81 and 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015 altered into Sections 370(IV) of I.P.C. r/w Section 81 and 87 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in connection with Crime No.2212 of 2020 on the file of respondent police and this is the second petition seeking for anticipatory bail filed by the petitioners.

2. The case of the prosecution is that on 01.11.2020, the defacto complainant gave birth to their third girl child. On 15.11.2020, A1 sold the child to third parties through brokers for a sum of Rs.1,15,000/-. Hence, the complaint was registered against the petitioners.

3. Earlier, this Court had passed an order dated 02.02.2021 in CrI.O.P.No.296 of 2021 dismissing the petition on the ground that other arrested accused A2, A3, A8 and A9 were still in judicial custody.

4. Today, when the matter taken up for hearing, the learned Government Advocate, on instructions, would submit that all the arrested accused are released on bail and the investigation is almost completed.

5. Taking into consideration of the fact that the other arrested accused are released on bail, and now, the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Salem, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter, as and when required for interrogation ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

[g] 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/-
23/04/2021

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 ADDITIONAL MAHILA COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.RANJITHKUMAR Advocate on payment of necessary charges

CRL OP.7691/2021

सत्यमेव जयते Date :23/04/2021

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MN-29/06/2021