

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

Crl.O.P.No.9163 of 2021

Sumathi

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
AWPS Salem Town Police Station,
Salem District.
(Crime No.29 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in the Crime No.29 of 2021 on the file of the Inspector of Police, AWPS Salem Town Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.E.RajThilak
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested on 13.04.2021 and remanded to judicial custody for the offences under Sections 80, 81 of the Juvenile Justice Act r/w. 370 A (i) and 372 IPC in Cr.No.29 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/A2 and A3 are husband and wife and A1 is the Secretary of Rotary Club. The petitioner/A2 and A3 are having three children and both of them sold their minor daughter to A1 for Rs.10,00,000/- for the purpose of house maid.

3.The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and has been in jail from 13.04.2021. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) vehemently opposed the grant of bail by stating that the petitioner/A2 and A3 sold their minor daughter to the 1st petitioner for Rs.10,00,000/-. Hence, he opposed for grant of bail to the petitioner.

5.Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to to be released on bail subject to the following conditions:-

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent of the Sub Jail for Women, Salem in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned Judicial Magistrate, Addl.Mahila Court, Salem.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner are permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond long with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d)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;

(e)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(h) 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 herself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/05/2021

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,
ADDITIONAL MAHILA COURT, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL FOR WOMEN, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AWPS SALEM TOWN POLICE STATION,
SALEM DISTRICT.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.9163/2021

Date :20/05/2021

cs 26/05/2021