

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9568 of 2021

Krishnan

... Petitioner/A1

Vs.

State; rep. By the Inspector of Police, ... Respondent
AWPS Salem Town Police Station,
Salem District.
(Crime No.29 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.29 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER
(Through video conference)

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

2.The case of the prosecution is that the defacto complainant is the mother of A2 and mother-in-law of A3. The defacto complainant's daughter/A2 was working as a servant maid in the house of the petitioner and she has got 3 children. A2 and A3 had sold their minor daughter aged about 7 years to the petitioner for Rs.10 lakhs for the purpose of using sexual harassment. Hence the case.

3.The learned counsel for the petitioner submit that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and that the petitioner has been in jail from 13.04.2021. He would submit that the defacto complainant gave a false complaint against the petitioner on suspicion that the petitioner took the minor girl to so many tourist place. He would further submit that A2 in this case has already been granted bail by this Court vide order in Crl.O.P.No.9163 of 2021, dated 20.05.2021. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose to grant bail to the petitioner stating that A2 and A3 have sold their minor daughter to the petitioner for a sum of Rs.10 lakhs and that the petitioner has not followed the procedures laid down in adoption and the Juvenile Justice Act. He would further submit that investigation in this case is not yet completed.

5.Taking into consideration, the submission made by the learned Government Advocate (Crl.Side) and the submission made by the learned counsel for the petitioner that A2 has granted bail by this Court will not help the petitioner/A1 in this case. Considering the fact that without obtaining prior order from the Competent Court he is alleged to have produced the minor child, this Court feels that it is not a fit case to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
26/05/2021

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.9568/2021

Date :26/05/2021

TA-22/06/2021