



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12964 of 2021

Nathiya

... Petitioner

Vs.

The State of Tamil Nadu
rep. by the Inspector of Police,
AWPS Vandavasi Police Station,
Thiruvannamalai District.
(Crime No.10 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.10 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 28.06.2021 for the offence under Sections 417, 370(2), 370(4), 420, 494 of I.P.C. r/w.81 of Juvenile Justice Act, 2016, in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant's husband is alleged to have illegally sold the defacto complainant's child to the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the co-accused has already been enlarged on bail in Crl.O.P.No.11851 of 2021. He further submitted that the petitioner is a resident of Erode District and prayed that in the event of this Court granting bail to the petitioner, she may be directed to appear before the All Women Police Station, Erode District.

4.Heard the submissions made by the learned Government Advocate (Criminal Side).



5.Considering the fact that the co-accused has already been enlarged on bail, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Vandavasi, Tiruvannamalai District and on further condition that:

(a)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 All Women Police Station, Erode District, daily at 10.30 a.m. until further orders;

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

-sd/-
28/07/2021

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,
VANDAVASI, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
AWPS VANDAVASI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
ALL WOMEN POLICE STATION,
ERODE DISTRICT.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary
charges

CRL OP.12964/2021

Date :28/07/2021

MK:29/07/2021