



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 11.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10700 of 2021

WEB COPY

Ramamoorthi

... Petitioner/Accused No.4

Vs

The State rep by its
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(Crime No.535 of 2020).

... Respondent/Complainant

For Petitioner : Mr.B.Arun,Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

for Anticipatory Bail in Crime No.535 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 81 of the Juvenile Justice(Care and Protection of Children) in Crime No.535 of 2020, seeks anticipatory bail.

2.According to the prosecution, the defacto complainant and her husband, who is working in hotel, are having three children. On 02.11.2020, the defacto complainant delivered a baby girl (fourth child). The first accused, who is a close friend of the defacto complainant, advised her that due to their poverty, the girl child may not get proper food, education etc., and if she gives the child



to a good family for adoption, she will get a good life. But the defacto complainant refused the offer. On 11.11.2020, due to ill health of the child, the accused took her to the hospital, but they returned without the child. When the defacto complainant enquired about the child, they did not answer properly and gave a sum of Rs.1 Lakh. She refused to take the money and lodged the present case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and due to poverty the defacto complainant has given the child in adoption to A1. After objection from others, she has lodged the present complaint as if the child has been abducted. He further submitted that the co-accused were already released on bail by the trial Court.

4.The learned Government Advocate(Crl.side) appearing for the respondent police also confirmed the submission of the petitioner's counsel that it is not a case of abduction and the defacto complainant voluntarily gave the child in adoption, due to her poverty and the petitioner helped the same and recommended A1, who has taken the child.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the co-accused were already granted bail by the trial Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from

<https://hccs.courtsgov.in/fcservices/> receipt of a copy of this order, before the Judicial



Magistrate, Illuppur, Pudukkottai District, on condition that the petitioner shall 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 learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police every Monday at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

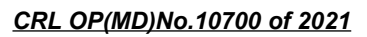
Sd/-
11/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



1.THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.

3.THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10700 of 2021
Date :11/08/2021

GC/JM/SAR-2/19/08/2021/4P/5C