



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

Date : 06/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12391 of 2021

WEB COPY

R.Kalaivani,

... Petitioner/Accused No.3

Vs

State rep. by
The Inspector of Police,
Tallakulam Police Station,
Madurai.

(Cr.No. 760 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Ramakrishnan K.K.,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.760 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 01.07.2021, for the offence punishable under Sections 420, 468, 471 IPC and Sections 80 and 81 of Juvenile Justice Act, altered into Sections 370(4), 370(5), 371, 468, 471, 120(B) IPC and Sections 80 and 81 of Juvenile Justice Act, in Crime No.760 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner, who is an unmarried woman, was working as an Assistant in Idhayam Trust, which was under the management of A1 and A2. The allegation against the petitioner is that the petitioner along with A1 and A2 sold two children, entrusted with the Trust, for a sum of Rs.1,50,000/- to other accused.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. She was only working as an Assistant in the said Trust. Therefore, she has nothing to do with the offence. However, she is languishing in Jail from 01.07.2021. Hence, he

<https://hccasecourts.gov.in/hccases/> of bail.



4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that in this case, all the accused have been arrested. A1 and A2 are still in jail. A4 and A5, who acted as agents, were granted bail by this Court. Apart from that, the parents, who adopted the children, were also granted bail by this Court. Apart from these two incidents, during the Covid-19 pandemic period, no other incidents have been reported.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the petitioner was only an employee under A1 and A2, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on her executing 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 Judicial Magistrate No.II, Madurai, and on further conditions 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 respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/09/2021

/ TRUE COPY /

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

OGY



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.

TO

1. The learned Judicial Magistrate No.II,
Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent, Women Prison, Madurai.
4. The Inspector of Police,
Tallakulam Police Station, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12391 of 2021
Date : 06/09/2021

TR/SKN/SAR-I(06.09.2021) 3P 6C