



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

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15440 of 2021

WEB COPY

1. Kalaimagal

2. Rajendran

... Petitioners/Accused Nos.1 & 2

Vs

State rep. by
The Inspector of Police,
Annavasal Police Station,
Pudukottai District
(Crime No. 683 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Lawrance.J.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 683 of 2021 on the file of the respondent Police.

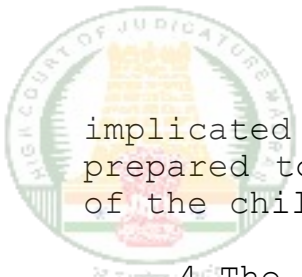
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 294(B), 506(i) of IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.683 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running a Children Home namely Dr.Award-Thaai Girls Children Home, Kudumiyamalai, Illuppur Taluk, Pudukkottai District, without any valid license. Based on the secret information through the child help line, the defacto complainant inspected the said home on 01.06.2021 and they found that some inmates of the home were engaged in paddy harvesting work. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely

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implicated in this case. However, to show their *bona fide*, they are prepared to pay a sum of Rs.10,000/- as fixed deposit in the names of the children as directed by this Court.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed. He would further submit that all the children were secured and now they were sheltered at Vellanoor Child Center, Pudukottai District.

5. Considering the facts and circumstance of this case, the antecedent of the petitioners and their willingness to pay a sum of Rs.10,000/- to the children, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illuppur, Pudukkottai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners 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 petitioners are directed to take a demand draft for a sum of Rs.10,000/- in favour of the each child and produce the same before the respondent police and the respondent police shall disburse the same to the children's guardian after verifying the necessary proofs.

[c] the petitioners shall report before respondent police daily at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 petitioners 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]**.



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

sd/-
27/10/2021

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/ TRUE COPY /

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

TTA

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 JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKKOTTAI DISTRICT.
- 2.DO THROUGH - THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3.THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-7574[I] dated 28/10/2021)

ORDER
IN
CRL OP(MD) No.15440 of 2021
Date :27/10/2021

RK/VR/SAR-IV(16/11/2021) 3P 6C