



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.15670 of 2020

Kannan

... Petitioner/Sole Accused

Vs

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

... Respondent/Complainant

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

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.535 of 2020 on the file of the Respondent police.

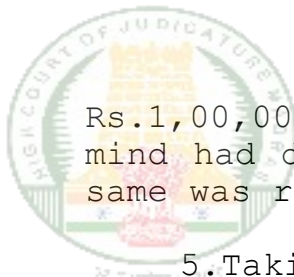
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.11.2020 for the offences punishable under Section 81 of Juvenile Justice Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner sold the female child. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 22.11.2020, hence he seeks bail.

4.The learned Government Advocate (Crl. side) would submit that the de-facto complainant has voluntarily sold her last child to the petitioner through the present petitioner herein on receipt of



Rs.1,00,000/-. Subsequently, the de-facto complainant changing her mind had directed the petitioner to return the child and since the same was refused, she has lodged the present complaint.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that both the parties have entered into compromise and the child was again handed over to the de-facto complainant and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his 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 District Munsif cum Judicial Magistrate, Illuppur.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/01/2021

/ 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,
<https://hcservices.courtsofmadras.gov.in/hcservices.html> 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPPUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
VIRALIMALAI, PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15670 of 2020
Date :11/01/2021

sj i
JM/VR/SAR II/11.01.2021/3P/6C