



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

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.16574 of 2021

1. Manimala @ Kiruba
2. Anthony Raj @ Anthony
3. Selvaraj

... Petitioners/Accused 2 to 4

Vs

The State Rep. by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Cr.No. 370 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Karthick P,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.370 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to 4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 81
of Juvenile Justice (Care and Protection of Children) Act, 2015 in
Crime No.370 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners
herein are mother, father and brother of A1. A1 is a widow and the
defacto complainant is a divorcee. They got married and blessed with
a male child. Due to misunderstanding between them, A1 came to her
mother's house with her child and sold her child to A6 to A9 with
the help of A2 to A5 for an amount of Rs.3,00,000/-. Hence, the
complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent and they have not committed any offence as
alleged by the prosecution. He would also submit that the co-accused
were already released on bail. Hence, he prays to grant anticipatory
bail to the petitioners.



4.The learned Government Advocate(Crl.Side) would submit that the child is now with the defacto complainant and co-accused were already released on bail.

5.Considering the fact and circumstance of the case and also the fact that co-accused have been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **(*)the learned Judicial Magistrate-III Court, Thoothukudi**, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/11/2021

(*)Amended as per order of this Court

dated 02.12.2021 made in CRL MP(MD).10523 of 2021

in CRL OP(MD).16574 of 2021.

The time is extended by 10 days from

the date of receipt of copy of this order.

/ 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.

WEB COPY

TO

(*) To be substituted the order dated 15.11.2021 is already despatched.

1.THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO

THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.

+1. CC to M/S.KARTHICK P Advocate(SR.No.8814)

ORDER

IN

CRL OP(MD) No.16574 of 2021

Date :15/11/2021

MGJ/JM/SAR IV(19.11.2021) 3P 6C

TR/JM/SAR III(15.12.2021) 3P 7C