



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.16769 of 2021

WEB COPY

K.S. Sasi Kumar

... Petitioner/Accused rank not known

Vs

The State Rep.by

The Inspector of Police,

SIPCOT Police Station,

Thoothukudi District,

(Crime No. 370 of 2021). ... Respondent/Complainant

For Petitioner : M/s. Pon Karthikeyan.R.,
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 petitioner/rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 81 of Juvenile Justice (Care and Protection of Children) Act, in Crime No.370 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that 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. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has 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 petitioner.

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 petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.III, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner 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 petitioner shall not tamper with 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]**; and;

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

sd/-

15/11/2021

/ TRUE COPY /

/ /2021

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

DSS

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 Court No.III,
Thoothukudi.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-8082[I] dated
16/11/2021)

ORDER

IN

CRL OP(MD) No.16769 of 2021

Date :15/11/2021

RD/JM/SAR-IV (19.11.2021) 3P 6C