



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.17603 of 2021

1. Selvamani
2. Sridevi

... Petitioners/Accused Nos.8 & 9

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.PON KARTHIKEYAN R,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 370 of 2021 on the file of the respondent police.

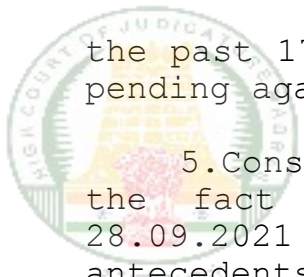
ORDER : The Court made the following order :-

The petitioners/A8 & A9, who were arrested and remanded to judicial custody on 28.09.2021 for the offence punishable under Section 81 of Juvenile Justice (Care and Protection of Children) Act, in Crime No.370 of 2021, on the file respondent police, seeks 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. 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 further submit that since the petitioners are in judicial custody from 28.09.2021, he prays to grant bail to the petitioners.

4.The learned Government Advocate (crl.Side) appearing for the respondent would submit that the petitioners are husband and wife and they got married in the year 2004 and they have no issues for



the past 17 years. He would further submit that no previous case is pending against the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the petitioners are in judicial custody from 28.09.2021 and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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 Judicial Magistrate Court No.III, Thoothukudi and on further conditions that;

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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of one month, thereafter, as and when required.

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

iv) the petitioners 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/-

15/11/2021

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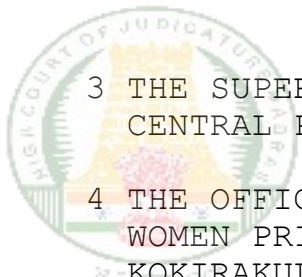
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.III,
THOOTHUKUDI.

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



3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE OFFICER INCHARGE
WOMEN PRISON,
KOKIRAKULAM, TIRUNELVELI.

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

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

+1. CC to M/S.PON KARTHIKEYAN R Advocate SR.No.8078

ORDER

IN

CRL OP (MD) No.17603 of 2021
Date :15/11/2021

SA/VR/SAR.1/17.11.2021/3P 8C