



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/12/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18980 of 2021

P.Jebamalar

... Petitioner/Petitioner/
Accused No.1

Vs

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

... Respondent/Respondent/
Complainant

For Petitioner : M/s.THIRUMURUGAN.T,
Advocate.

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

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 petitioner/Accused No.1, who was arrested and remanded to judicial custody on 23.10.2021 for the offence punishable under Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.370 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is a widow and the defacto complainant is a divorcee. They got married and blessed with two children. Due to misunderstanding between them, the petitioner came to her mother's house with her children and sold her younger child to A8 & A9 for Rs.3 lakhs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and she has been falsely implicated in this case. He would further submit that she is in judicial custody from 23.10.2021. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 9 accused in this case. The petitioner was arrayed as 1st accused. He would further



submit that the co-accused have already been granted bail and anticipatory bail by this Court and no previous case is pending against the petitioner and the child was secured and now he is under the care and custody of his father.

5. Considering the facts and circumstances of the case and also considering the facts that the co-accused have already been granted bail and anticipatory bail by this Court, that the petitioner is not having any previous case for similar or serious offence and that the petitioner is in judicial custody from 23.10.2021, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate 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 petitioner shall report before the respondent police daily at 10.30 a.m daily for a period of 30 days 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/-
02/12/2021

/ 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, 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 NO.III
THOOTHUKUDI.

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

3 THE OFFICER INCHARGE
SPECIAL WOMEN SUB-JAIL,
KOKKIRAKULAM, TIRUNELVELI..

4 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI.

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

+1. CC to M/S.THIRUMURUGAN.T, Advocate SR.No.8763

ORDER

IN

CRL OP(MD) No.18980 of 2021

Date :02/12/2021

SA/VR/SAR.2/02.12.2021/3P/7C