



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

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CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.3437 of 2022

1.Vijayalakshmi ...Petitioners
2.Navaneetham
3.Srinivasan

Vs.

The State rep. By ...Respondent
The Inspector of Police
M-4, Redhills Police Station,
Thiruvallur District.
(Crime No.44 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioners on bail in Crime No.44 of 2022 on the file of the Inspector of Police, M-4, Redhills Police Station, Thiruvallur District.

For Petitioners: Mr.P.Chandrasekar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 12.01.2022 for the offences under Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.44 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that de-facto complainant one Lalita who is a member of Child Welfare Committee lodged a complaint with the respondent police on 11.01.2022 alleging that the petitioners along with others bought a child namely Nithishraj for Rs.3,00,000/- with valid documents. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the second petitioner being mother of minor child, due to poverty, sold their child for Rs.3,00,000/-. In otherwise, she has received only Rs.85,000/- from A4. It is his specific submission that the petitioners are in judicial custody from 12.01.2022 onwards. Hence, he prays for bail.

4. Ms.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the offence committed by the petitioners is grave in nature. However, she admits that as of now, investigation has been completed and final report has been prepared.

5. The submissions made by the learned Counsel on either side are considered.

6. It seems from the records that the respondent police registered a case against the petitioners for the offence punishable under Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015. The averments found in the first information report reveals the fact that the second petitioner herein after given birth to one minor child, sold the same for Rs.3,00,000/-. Though she has been suffering from poverty, the act committed by the second petitioner is nothing but atrocious. However, being the reason that investigation has been completed and also the petitioners are in incarceration from 12.01.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioners are ordered to be released on bail to 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 Judicial Magistrate-II, Ponneri.**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioners shall report before the Judicial Magistrate-II, Ponneri, daily at 10.30 a.m. for a period of twenty days from the date on which they executed Bail Bond;**



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

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
14/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY
THE INSPECTOR OF POLICE, M-4, REDHILLS
POLICE STATION, THIRUVALLUR DISTRICT.



5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary
charges SR.NO.2302

CRL OP.3437/2022

Date :14/02/2022

TA-15/02/2022