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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3380 of 2022

Thangam

...Petitioner

Vs.

The State rep. By
The Inspector of Police
Redhills M4 Police Station,
Thiruvallur District
(Crime No.44 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in connection with Crime No. 44 of 2022 for the alleged offences under Section 81 of The Juvenile Justice (Care and Protection of Children) Act, 2015 on the file of the respondent police.

For Petitioner : Mr.Durai Kannan

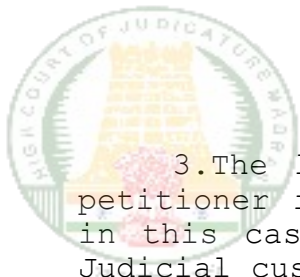
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

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

2. The case of the prosecution is that one, N.Lalitha, Child Welfare Organization member gave a complaint that one, Vijayalakshmi sold her ten months old male baby named D.Nithish Raj to one, Navaneetham aged about 69 years with the help of the petitioner and one, Kannagi for a sale consideration of Rs.3,00,000/-. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is under Judicial custody from 12.01.2022 onwards. Hence, he prays for bail.

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4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the offences committed by the petitioner is a serious one. However, she admits that the investigation in this case have been completed.

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

6. Here it is a case, the child who was transported was recovered now. Investigation has also been completed. The petitioner is having permanent address in Thiruvallur. Therefore, the question of tampering the witness does not arise in this case. Hence, taking note of all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is ordered to be released on bail to 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 Learned 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 petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for investigation.

(d) the petitioner 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 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];

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

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

-sd/-
11/02/2022

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 THE INSPECTOR OF POLICE,
REDHILLS M 4 POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.DURAI.KANNAN Advocate on payment of necessary charges SR.NO.2248

CRL OP.3380/2022

Date :11/02/2022

TA-11/02/2022