



WEB COPY



CrI.O.P.No.18398 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363 and 365 IPC r/w Section 81 of Juvenile Justice Act, in Crime No.122 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner bought one month baby from the A1/mother of the child for a sum of Rs.11,500/-. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is falsely connected in this case, she has not committed any offence as alleged by the prosecution and A1 was already granted anticipatory bail. Therefore, he prays anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner bought one month child from the first accused at Rs.11,500/-



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illegally. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally two accused in this case in which the petitioner is arrayed as A2. The A1 is the mother of the child, who sold the one month baby to the petitioner for a sum of Rs.11,500/-. Further, the baby was secured and handed over to the mother and she was granted anticipatory bail.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No-II, Tiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with



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two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 a.m. for a period of two weeks 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



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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.

04.08.2022

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