



Crl.O.P.No.26451 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.26451 of 2022

Kavitha @ Chitradevi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.

(Crime No.35/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.35
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



CrI.O.P.No.26451 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.09.2022 for the offences punishable under Sections 80, 81 and 87 of Juvenile Justice (Care and Protection of Children) Act in Crime No.35 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Jothi Lakshmi is that she was married to one Jeeva before five years and that she has got one son. Subsequently her husband had developed illicit intimacy with another women and left her. Thereafter, the defacto complainant had married one Arun kumar and she become pregnant. At that time, the accused Kavitha was taking care of her and her child and later, stating that she would be unable to bring up the child, had paid an amount of Rs.1,30,000/- to her and sold the child to A5. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant and the petitioner are known to each other. The defacto complainant was earlier married to one Jeeva and subsequently, she had



Crl.O.P.No.26451 of 2022

married another person and she delivered a child. She did not want the child and the defacto complainant herself handed over the child to the petitioner stating that the child may be given to someone for bringing up properly. Believing her, the petitioner had taken the child from the defacto complainant whereas later, she had demanded more money and given a false complaint. He would further submit that the petitioner is not a habitual offender and only on the request of the defacto complainant, for proper up brining of the child, the petitioner has handed over the child to A5. He would further submit that the petitioner has a permanent resident and she is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate would submit that the petitioner along with other accused had taken the newborn child belonging to the defacto complainant and paid her Rs.1,30,000/-. Subsequently, the defacto complainant had requested the petitioner to return back the child whereas she refused to give back the child and thereby, the complaint has been given. He would submit that the investigation is still pending and thereby, he opposed for grant of bail to the petitioner.



Crl.O.P.No.26451 of 2022

WEB COPY

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and submissions of the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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, Tiruchengode** and on further conditions that:

[a] 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;



Crl.O.P.No.26451 of 2022

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[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 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;

01.11.2022

vkr



WEB COPY



Crl.O.P.No.26451 of 2022

A.D.JAGADISH CHANDIRA,J.

Vkr

To

1. The Judicial Magistrate, Tiruchengode.
- 2.The Inspector of Police,
All Women Police Station,
Tiruchengode, Namakkal District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.26451 of 2022

01.11.2022