

Crl.O.P.No.30968 of 2022

**T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 80, 81 and 87 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Cr.No.35 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant 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 became pregnant. At that time, the accused one 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. The allegation against the petitioner is that he had facilitated the main accused one Kavitha to sold the child of the defacto complainant. Hence, the case.



3.The learned counsel appearing for the petitioner would submit that

he is an innocent person and he has been falsely implicated in this case. He would further submit that the defacto complainant herself handed over the child to the accused stating that the child may be given to someone for bringing up property. Believing her words, the child was taken from the defacto complainant whereas later, she had demanded more money and given a false complaint. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that the accused one Kavitha was taking care of the defacto complainant and her new born 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. The allegation against the petitioner is that he had facilitated the main accused one Kavitha to sold the child of the defacto complainant. He would further submit that the child has been handed over to the defacto complainant and that the investigation has been completed. Hence, he vehemently opposed for grant of anticipatory bail.



5. Considering the facts and circumstances of the case and that the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Omalur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with 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 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 Court concerned 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 every Wednesday and Sunday at 10.30 a.m. for a period of three months and thereafter, appear on every Saturday for a period of another three months;

(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;

**T.V.THAMILSELVI, J.***anu*

(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 anticipatory 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]***; and;

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

**19.12.2022***anu***Crl.O.P.No.30968 of 2022**