



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI
CRL OP(MD) .No.981 of 2022

WEB COPY

T.Yesudoss

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
Crime No.370 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Samuel Gunasingh.P
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.370 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

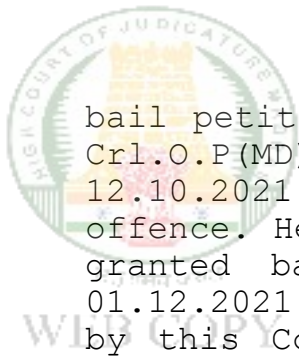
The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.370 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the defacto complainant and the first accused, as a result of which, she left the house by taking the three months old child. On 24.09.2021, the defacto complainant has gone to the house of A1 to see his child but the child was missing. Thereafter the defacto complainant came to know that the petitioner and other accused have sold the male child to a third party through broker. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner's name is not found in the F.I.R.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is the second anticipatory

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bail petition. The petitioner's earlier anticipatory application in Crl.O.P(MD)No.15921 of 2021 was dismissed by this Court on 12.10.2021 on the ground that taking note of the gravity of the offence. He would further submit that co-accused/A6 has already been granted bail by this Court in Crl.O.P(MD)No.18868 of 2021 on 01.12.2021 and A2 to A4 have already been granted anticipatory bail by this Court in CRL.O.P.(MD).No.16574 of 2021 on 15.11.2021 and based on the confession statement alone, the petitioner's name is involved in this case.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is implicated in the F.I.R., only on the confession statement of co-accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi on condition that the petitioner shall 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 Magistrate concerned and on further conditions 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 Aadhaar 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 30 days and thereafter, as and when required for interrogation;

[c]the petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/01/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER

IN

CRL OP(MD) No.981 of 2022

Date :27/01/2022

RS/JM/SAR.4 (31.01.2022) 3P-5C