



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11.03.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4248 of 2022

1. Shenbagarajan
2. Priya
3. Karuppasamy
4. Shenbagamoorthy ... Petitioners/ Accused No.6 to 9

Vs

The State represented by
The Sub-Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
(Crime No.30 of 2022)

... Respondent/ Complainant

For Petitioners : Mr.S.Veerapandi Selvaraj,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side).

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

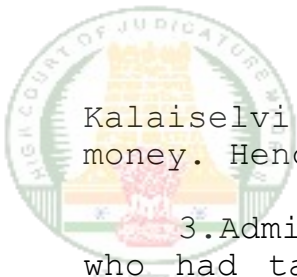
For Bail in Crime No.30 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who were arrested and remanded to judicial custody on 17.02.2022 for the offences punishable under Sections 370(4) and 317 IPC and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.30 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 16.02.2022 at about 12.35 p.m., one unknown person called Tamil Nadu Child Line number and informed that the first accused and his elder daughter, namely,

<https://hcservices.ecourts.gov.in/hcservices/>



Kalaiselvi sold 1 year old baby to the petitioners 2 and 3 for money. Hence, the complaint.

3. Admittedly, the petitioners 2 and 3 are the husband and wife, who had taken the alleged adoption and other two petitioners are relatives.

4. The learned counsel for the petitioners would submit that the petitioners 2 and 3 for not having children for 20 years and hence they have decided to adopt the child of the accused 2 and 3.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the child of the accused 2 and 3 was sold to the petitioners 2 and 3 through brokers, who are the other accused. He would further submit that the child was secured and is now in home.

6. Considering the nature of charges levelled against the petitioners and also the facts that the petitioners are in judicial custody from 17.02.2022 and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners on certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Virudhunagar

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial;

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***.



(vi) If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/03/2022

/ TRUE COPY /

WEB COPY

/ /2022

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.2,
VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUB-INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4248 of 2022
Date :11/03/2022

CSM
MS/PN/SAR-3/11.03.2022/3P.6C