



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

Date : 14.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4816 of 2022

WEB COPY

Muthulakshmi

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
(Crime No.107 of 2019)

... Respondent/Complainant

For Petitioner : Mr.A.Anandaraj, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.107 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 420 and 120(b) IPC and Sections 34, 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.107 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim had love affair with one Sakthimurugan and thereafter they got married. Out of their wedlock, a male child was born at a private hospital at Kallorani. After delivery, the doctors, who are arrayed as the accused 1 and 2, and the petitioner, who is the mother of the victim, had stated to the victim that the baby had died. Later, the victim came to know that the petitioner and the doctors sold her baby for huge money to the accused 4 and 5. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has filed a petition in Crl.O.P.(MD)No.10066 of 2020 seeking anticipatory bail and this Court has granted anticipatory bail on 22.09.2020 by imposing certain conditions. He would further submit that due to ill-health of the petitioner, she could not furnish the sureties.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost completed.

5.Considering the above facts and also the fact that investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and also taking note of the fact that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukkottai, 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 as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

14/03/2022

/ TRUE 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,
ARUPPUKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
M.REDDIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4816 of 2022
Date :14/03/2022

USK/VR/SAR-IV/21.03.2022/3P/5C