



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4533 of 2022

Maheswari @ Uma

... Petitioner/Accused No.8

Vs

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

... Respondent/Complainant

For Petitioners : Mr.S.BALAJI,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

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 petitioner/accused No.8, who was arrested and remanded to judicial custody on 17.02.2022 for the offences punishable under Sections 370(4), 317 and 34 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, Kalaiselvi sold 1 year old baby to the accused for money. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner's name does not find in the F.I.R.,and she was only working under the first accused, that the petitioner has nothing to do with the alleged sale of the child and that the co-accused 6 to 9 were already granted bail by this Court.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is a broker and she is not having any previous cases for similar offences or for any other serious offences.



5.Considering the facts that the petitioner is in judicial custody from 17.02.2022, that the co-accused 6 to 9 were already granted bail by this Court and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioners on certain conditions:

6.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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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 petitioner 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;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial;

(vi)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]***.

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

sd/-
22/03/2022

/ 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 NO.II
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
WOMEN'S JAIL AT NILAKOTTAI,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. BALAJI.S Advocate SR.No.2370

ORDER

IN

CRL OP(MD) No.4533 of 2022

Date :22/03/2022

SA/VR/SAR.4/23.03.2022/3P/7C