



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.03.2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.5771 of 2022

Nandhakumar

... Petitioner/ Accused No.10

Vs

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

... Respondent/ Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj,
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/A.10, who was 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, seeks 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3.No doubt, the earlier application for bail filed by the petitioner was dismissed as withdrawn by this Court in Crl.O.P.(MD) No.4251 of 2022 dated 11.03.2022.

4.The learned counsel for the petitioner would submit that the petitioner's name does not find in the FIR, that the petitioner has



nothing to do with the alleged sale of the child and that the co-accused 6 to 9 and 2 were granted bail by this Court.

5.The learned Additional Public Prosecutor would submit that the petitioner is a broker and that he is not having any previous cases for similar offence or for any other serious offences.

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

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 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 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;

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

(iv)the petitioner 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 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]***.

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

sd/-

29/03/2022

/ TRUE COPY /

29/03/2022

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.5771 of 2022

Date :29/03/2022

CSM

MS/PN/SAR-2/29.03.2022/3P.6C