



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . Nos.9036 & 9086 of 2022

1. Selvi @ Thangaselvi

2. Arjunan

3. Selvakumar

4. Santhana Vinsiya

... Petitioners/Accused 1 to 4
in Crl.OP(MD)No.9036 of 2022

Mariappan

... Petitioner/Accused Rank not known
in Crl.OP(MD)No.9086 of 2022

Vs

The State represented by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
(Crime No.64 of 2022).

... Respondent/Complainant
in Crl.OP(MD)No.9036 of 2022
... Respondent/Respondent/Complainant
in Crl.OP(MD)No.9086 of 2022

For Petitioners : M/s.T.A.Ebenezer,
(in Crl.OP(MD)No.9036 of 2022)
For Petitioner : Mr.K.Rajeshwaran,
(in Crl.OP(MD)No. 9086 of 2022)
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.
In both the petitions

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

COMMON PRAYER :-

For Bail in Crime No.64 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A5, who were arrested and remanded to judicial custody on 29.04.2022 for the offences punishable under Section 370 IPC and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.64 of 2022, on the file of the respondent police, seek bail.

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



2.The case of the prosecution is that the accused 1 and 2 sold their child to the accused 3 and 4 with the help of the other accused. Hence, the complaint.

3.The case of the petitioners is that the first accused is the mother of the infant and the second accused is the second husband of the first accused. Since both of them not able to take care of the infant, they decided to sell the infant in favour of the accused 3 and 4, for which, the fifth accused acted as an agent and after came to know about the illegal sale, the law enforcing agency had registered the case against the petitioners.

4.The learned counsel appearing for the petitioners would submit that the petitioners are close relatives and in order to take care of the third infant child, the accused 3 and 4 undertook to take care of the said child. However, the above false complaint was filed against the petitioners and thereafter, the girl infant was returned to the accused 1 and 2. Hence, they prayed for bail.

5.The learned Additional Public Prosecutor would submit that the petitioners have involved in illegal trade of the infant and vehemently opposed by allowing this petition.

6.Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, Tirunelveli District.

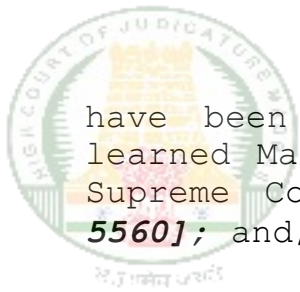
(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

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/ /2022

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

CSM/KSA

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,
RADHAPURAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KOKKIRAKULAM, TIRUNELVELI.
- 5 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI.
- 6 THE INSPECTOR OF POLICE
UVARI POLICE STATION, TIRUNELVELI DISTRICT
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/s.T.A.Ebenezer, Advocate SR.No.4628 Dated 12/05/2022

+1. CC to Mr.K.Rajeshwaran, Advocate SR.No.4616 Dated 12/05/2022

ORDER

IN

CRL OP (MD) . Nos.9036

& 9086 of 2022

Date :11/05/2022

SS/PN/SAR:IV/11.05.2022 : 3P/10C