



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

Date : 04/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18495 of 2022

1. Prabhu
2. S.Shanmugavalli

... Petitioners/Accused
Ranks Not Known

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Lalgudi, Trichy District.
Cr.No. 40 of 2022

... Respondent/Complainant

For Petitioners : M/s.Venkatesan.P.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.40/2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 369 of
IPC, in Crime No.Not known of 2022, seek anticipatory bail.

(Crime Number and offences are amended as per the order of this
court dated 04.11.2022 in Crl.MP(MD) No.13050 of 2022)

2.The case of the prosecution is that the defacto complainant
gave birth to a female child in the month of August, 2022 at
Government Hospital, Trichy. Due to no one take care of them, she
seeking help to the first petitioner herein and accordingly, the
first petitioner sent his driver to assist help and his driver taken
the complainant along with her new born child and dropped at her
home and thereafter, the defacto complainant asked the driver to
drop them at Samayanallur Bus stop and accordingly, the driver taken
them and dropped at the place near the Samayanallur Toll Plaza and



thereafter, the defacto complainant found the new born as missing and especially the allegation against the petitioner is that the defacto complainant has handed over the child to the first petitioner and he did not return them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner is practicing as Advocate at Trichy District Court. Furthermore, one Babu, who is the brother of the defacto complainant, requested the first petitioner to help her to admit the hospital. Based on the request, the first petitioner sent his driver to bring them to hospital. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is still pending and the child has not been recovered till date and the custodial interrogation of the petitioner is very much necessary. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and considering the nature and gravity of the offence and also the facts that the child has not been recovered and investigation is still pending, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

04/11/2022

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/11/2022

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

TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18495 of 2022

Date : 04/11/2022

cp

<https://www.mca.gov.in/1/22.11.2022/2P/3C>