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Crl.O.P.No.1060 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1060 of 2023

Rani @ Thenmozhi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.

(Crime No.12 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in Crime No.12 of 2022
pending on the file of the respondent.

For Petitioner : Mr.A.C.Manibharathi

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner who was arrested and remanded to judicial custody on 21.11.2022 in Crime No.12 of 2022, registered for Born Baby Female Missing and later altered to the offence under sections 417, 376 IPC r/w 81 of Juvenile Justice Care and Protection of Children Act 2015, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that she and the first accused loved each other and on false promise of marrying her, A1 had physical contact with her, due to which, she became pregnant and gave birth to a female child on 05.12.2021 at KMC Hospital. After delivering the child, A1 sold the child to one Lavanya for Rs.2,75,000/- with the help of A3/the petitioner herein, who is a broker and she has received Rs.40,000/- as commission for the offence committed by her and A2 has received Rs.1,00,000/- as commission and he has made arrangements to sell the child and A4 received Rs.10,000/- as commission in selling the child. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that this is the second bail application of the petitioner before this Court and this Court had earlier dismissed the bail application filed by the petitioner in Crl.O.P.No.30887 of 2022 vide order dated 14.12.2022. He further submitted the petitioner is running a hotel at Perundurai and she has two female children and she has been falsely implicated in this case. He further stated that the petitioner has been suffering from uterus issue for a long time and she is in incarceration from 21.11.2022. He also submitted that the similarly placed co-accused in this case has been granted bail by this Court in Crl.O.P.No.334 of 2022 vide order dated 12.01.2023 and hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner herein is the broker for the alleged offence and she played the main role by making arrangements to sell the child. He also stated that this is her second bail application before this Court. He also submitted that the investigation is almost completed and no previous case is pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the fact that investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned 16th Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[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;



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[b] the petitioner shall report before the respondent Police on every Tuesday and Saturday at 10.30 a.m., for a period of five months and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.01.2023

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T.V.THAMILSELVI,J.

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To

1. The 16th Metropolitan Magistrate, Saidapet,
Chennai.
2. The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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