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CrI.O.P.No.9960 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section born baby missing and subsequently altered into Sec.417 and 376 of I.P.C. r/w Sec.81 of Juvenile Justice case and Protection of Children Act, 2015 in Crime No.12 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a love affair between defacto complainant and one Chandrasekar, a baby girl was born. While being so, girl baby was adopted by this petitioner and he sold baby for a price, thereby involved in illegal activities. Hence, the present complaint filed against the petitioner.

3. The learned counsel for the petitioner would submit that he is an innocent person and he has not committed any offence as alleged by the prosecution and he is no way connected with the said offence. He would



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submit that his name was not found in the F.I.R. and based on the confession of co-accused, his name was implicated in this case. He would also submit that this is the third petition praying for anticipatory bail and he is ready to comply with any condition imposed by this court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are six accused involved in this case and the petitioner is a broker, thereby he involved in illegal activities and he is a prime accused by adopting a girl baby and sold baby for a price. When the defacto complainant offered her child, he threatened her with dire consequences. He would submit that co-accused were arrested and released on bail. He would further submit that if he is released on anticipatory bail, he may tamper the evidence and hamper the investigation. He would submit that now the investigation is almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and also the fact that the investigation was almost completed and considering the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on interim bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition **that the petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Arignar Anna Government Hospital of Indian Medicine, in A/c. No.110101106507, Canara Bank, Aminjikarai, Chennai-600 029 IFSC Code : CNRB0016021** and the petitioner shall also execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety must be a blood surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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