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Crl.O.P.No.7153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.7153 of 2023

P.Anandan
S/o., Palani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vadalur Police Station,
Cuddalore, Cuddalore District.

(Crime No.49 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.49 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Arasu Ganeshan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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Crl.O.P.No.7153 of 2023

ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 23.02.2023, for the offence punishable under Sections 363 of IPC and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No.49 of 2023, registered on the file of the respondent police, seek bail.

2. The case of prosecution as per the de-facto complainant, Aravinth, District Child Protection Officer is that on 19.02.2023 at about 4.00 p.m., he received an information from Vadalur that an unknown child was in custody of one Sudarvizhi/A1, and she attempted to sell the child to some other person, thereby, the de-facto complainant has sent one Sathish, who is working in Child line, to verify the same. During enquiry, it came to light that A1 has purchased the child from one Megarunisha (A2) for selling the child to some other person. Further it reveals that A2 was a Siddha Doctor and she had purchased the children from the unwed mothers and involved in trading the children. Further the accused A5 & A4 were working as Assistants to A2 in her illegal trading of children. Hence, the case.



Crl.O.P.No.7153 of 2023

WEB COPY

3. Mr.A.Arasu Ganeshan, learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was working in the clinic of A2 and he does not know anything about her illegal activities. He also submitted that other than working in the clinic of A2, the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case, only based on the confession statement recorded from the co-accused. He also submitted that A2 and A3, who have confessed of having involved in several other Child trafficking cases, were detained under Act 14 and A1 has already been granted bail by the Sessions Court. . He further submitted that as far as this petitioner is concerned, he does not have any previous case. He also submitted that the petitioner is in custody from 23.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was working as an Assistant in the clinic of A2, who herself claiming as Siddha Doctor indulged in child



Crl.O.P.No.7153 of 2023

trafficking and she was in a habit of purchasing children from unwed mothers and selling them to childless couples at higher price. He also submitted that A2 and A3 were detained under Act 14. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Special Court (POCSO Act Cases), Cuddalore,**



Crl.O.P.No.7153 of 2023

and on further conditions that:

[a] the petitioner shall produce the proof for his permanent residence, while furnishing sureties before the learned trial Judge concerned;

[b] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness 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 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]**;



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Crl.O.P.No.7153 of 2023

[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

10.04.2023

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To

1. The Special Court (POCSO Act Cases),
Cuddalore.
2. The Inspector of Police,
Vadalur Police Station,
Cuddalore.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7153 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7153 of 2023

10.04.2023