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CrI.O.P.No.11376 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

**THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN**

CrI.O.P.No.11376 of 2023

Palaniyammal

... Petitioner

Vs.

State rep by,  
The Inspector of Police,  
Vazhapadi Police Station,  
Salem District.  
(Crime No.191 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail, in Crime No.191 of 2023, on the file  
of the respondent police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 19.04.2023, in connection with Crime No.191 of 2023 registered for the



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offence punishable under Sections 363 and 365 of IPC, seeks bail.

2.The case of the prosecution is that on 19.04.2023 at about 9.00 a.m, when the defacto complainant's son namely Kavin, aged about one year nine months was playing in front of their house. Subsequently at about 9.30 a.m, when the defacto complainant came out of the house, she found her son was missing. Further allegation is that the petitioner who came as guest to the defacto complainant's neighbour Lakshmi's house, kidnapped the boy for selling him. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to money dispute between the petitioner and the defacto complainant a false complaint has been given against the petitioner. He further submitted that the petitioner is no way connected with the alleged offence and she is in judicial custody for the past 30 days. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association. Hence, he prayed for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had kidnapped the defacto complainant's minor son for the purpose of selling. He further submitted that the statement has been recorded from the petitioner. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and ten witnesses have been examined and also taking note of the fact that the petitioner without prejudice to his right, she is ready to deposit a sum of Rs.5,000/- towards any charitable organization or association, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of Little Hearts Rehabilitation Centre for the persons with Mental Illness, C 456, Annai Perumayiammal Kalyana Mandabam, Saravanabhavan Nagar, Maniyanur, Salem -10, A/C No.31063199342, Bank : State Bank of India, Branch : Uthandi Branch, IFSC Code No:**



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**SBIN0011771, Cell No.9500017716, 9940617712** and on such deposit, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum to the satisfaction of the *learned District Munsif cum Judicial Magistrate, Vazhappadi, Salem District*, 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;

**[b] the petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders;**

[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]*;



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

**18.05.2023**

*drl*

To

1. The District Munsif cum Judicial Magistrate,  
Vazhappadi, Salem District.
2. The Inspector of Police,  
Vazhapadi Police Station,  
Salem District.
3. The Superintendent, Central Jail for women,  
Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**A.A.NAKKIRAN, J.**

*drl*

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