

Crl.OP.No.12718 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 80, 81 and 87 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Cr.No.35 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant viz., Jothi Lakshmi got married with one Arun Kumar for second time and she became pregnant. At that time, A1 was taking care of her and her child and later, she would be unable to bring up the child, therefore, the defacto complainant received a cash of Rs.1,30,000/- from A2 and sold the child to A5. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail. He would further submit that the petitioner was earlier granted anticipatory bail in Cr.No.2542 of 2023 dated 07.02.2022. However, the petitioner's father was not feeling well and hence she was unable to surrender within a stipulated time and thereby extension was sought for, even thereafter, unfortunately the petitioner's father died,

she was unable to surrender in the extended time also and thereby the petitioner's earlier order got lapsed. Hence, the present petition and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that It is a case of trafficking of child. He would further submit that the petitioner was earlier granted anticipatory bail in Crl.OP.No.2542 of 2023 and he was unable to comply with the condition as directed by this Court. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel and the petitioner has voluntarily come forward to execute sureties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate Court, Omalur*** on condition that the petitioner shall execute a

bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each 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 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/trial Court 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 every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Vv

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15.06.2023