



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD).No.4357 of 2023

WEB COPY

S.Thamarai ... Petitioner/Accused Rank Not Known
Vs.

State represented by
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No.18 of 2023) ... Respondent/Complainant

For Petitioner : Mr.M.Suresh
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2023 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A7, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 370(4), 317 and 81 of Juvenile Justice (Care and Protection
of Children) Act, 2015, seeks anticipatory bail.

2.The case of the prosecution is that the accused Nos.1 and 2
are having four children. With the help of A3, they decided to sell
the child for want of money to third parties. Thereafter, the
accused Nos.1 and 2 took the 4th female child to the house of A5, who
is working as Nurse in the hospital. Thereafter, the child was taken
by A3 and A4, after executing a deed and also on receipt of
Rs.40,000/-. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and
the learned Additional Public Prosecutor appearing for the
respondent.

4.It is seen that the petitioner is arrayed as A7. He is
working as an Assistant of Kanyakumari District Central Co-operative
Branch. The third accused has no issue. Therefore, she advised to
adopt the child. That apart, A1 to A5 arrested and remanded to
judicial custody.



5. Considering the facts and circumstances of the case, the Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Sivaksi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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., for a period of three 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) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/03/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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TO

1. The Judicial Magistrate No.1, Sivaksi.

2. -do-Through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.

3. The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SURESH, Advocate (SR-3552[I] dated 07/03/2023)

ORDER

IN

CRL OP(MD) No.4357 of 2023

Date :07/03/2023

RD/MMS/SAR-I (17/03/2023) 3P 6C