



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.5034,5066 and 5068 of 2023

Gopi @ Gopinath @ Gopalakrishnan

... Petitioner/6th Accused
in Crl.O.P(MD) No.5034 of 2023

Shanmugavalli

... Petitioner/Accused No.2
in Crl.O.P(MD) No.5066 of 2023

A.Prabhu

... Petitioner/Accused No.1
in Crl.O.P(MD) No.5068 of 2023

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Lalgudi,
Tiruchirappalli District.
Cr.No.40/2022.

... Respondent/Complainant
in all petitions

(In Crl.O.P(MD)No.5034 of 2023)

For Petitioner : M/s.Sukumar V,
Advocate.

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

(In Crl.O.P(MD) Nos.5066 and 5068 of 2023)

For Petitioner : M/s.Ganapathi Subramanian P,
Advocate.

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

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.



COMMON PRAYER :-

For Bail in Crime No. 40/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

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The petitioners/Accused, who were arrested and remanded to judicial custody on 15.01.2023, 07.01.2023 and 07.01.2023 for the offence punishable under Sections 370, 365, 346, 109, 120(b), 102, 193 of I.P.C, Sections 81, 87 of Juvenile Justice (Care and Protection of Children) Act in Crime No. 40 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that she is unmarried and delivered a female child on 17.09.2022 and the birth of the child was not known to her relatives and the persons in the village. Whiles, she was discharged on 22.09.2022 by one Advocate Prabhu and his wife Shanmugavalli, who are known to her brother and they stayed in the house of the said Prabhu and thereafter, she along with her mother left the child in the Advocate Prabhu's house had gone to their village to take their dress. When she came back the child was missing and when she enquired the said Prabhu, he had threatened her stating that she should not ask for the child. Hence, the complaint. Later, during the course of investigation it came to light that the defacto complainant along with Advocate Prabhu and his wife Shanmugavalli had illegally sold the child to one Gopinath. who was working in an Infertility Centre in Delhi and later, the child was changed from hands to hands and a fabricated birth certificate was made ready at Delhi and later the child had been handed over to a childless couple at Karnataka. Later, the child has been recovered from Karnataka. Thereafter the case was registered.

3. It is seen that this is the second application for bail and the petitioners herein have committed very serious offence. In fact a perusal of the confession statement of the accused reveals the fact that so far 65-75 children have been illegally sold to other persons. Further the petitioners have committed very serious offence and even after dismissal of the earlier petitions there is no change in circumstances of the case to consider the present bail petitions.

4. Hence these petitions stand dismissed.

sd/-

17/03/2023

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/03/2023

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



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TO

1. THE OFFICER IN CHARGE,
SUB JAIL, LALGUDI, TRICHY.

2. THE OFFICER IN CHARGE,
WOMEN PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, LALGUDI,
TIRUCHIRAPPALLI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) . Nos. 5034, 5066 and
5068 of 2023
Date : 17/03/2023

RK/MMS/SAR-3 (23/03/2023) 4P/5C