



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/03/2023
PRESENT

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

CRL OP(MD) . No.5416 of 2023

(*)Petchimuthu

... Petitioner/ **(*)Accused No.8**

Vs

The State rep.by
The Inspector of Police,
Maraneri Police Station,
Virudhunagar.
Crime No.18/2023

... Respondent/Complainant

For Petitioner : Mr.Jawahar.J,
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.18/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 370(4) and 317 of I.P.C. and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.18 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 are having four children. With the help of A3, A1 and A2 decided to sell the child for want of money to third parties. Thereafter, A1 and A2 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 case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the petitioner is arrayed as A8 and he is no way connected with the alleged offence. The co-accused, namely, A1, A4, A5 and A6 were already arrested and released on bail by the trial Court. A7 has already been granted anticipatory bail by this Court in CrI.O.P. (MD)No.4357 of 2023 on 07.03.2023.



5. Taking into consideration of the facts and circumstances of the case, this 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.1, Sivakasi, Virudhunagar District, 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 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].

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

sd/-

23/03/2023

(*) Amended as per order of the Court dated 17/04/2023 in CRL MP(MD) Nos.6080 & 6081/2023 in CRL OP(MD) .5416/2023.

Further, time is granted to the petitioner to comply with the conditions imposed by this Court, till 28.04.2023.

/ TRUE COPY /

19/04/2023

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



SJI

TO

TO BE SUBSTITUED WITH THE ORDER DATED 23/03/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR.

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

+ 2 CC TO Mr.J.JAWAHAR, ADVOCATE IN SR No.6043, 6044 DT.18/04/2023

ORDER

IN

CRL OP(MD) No.5416 of 2023

Date :23/03/2023

SA/CG/SAR.4/05.04.2023/3P/5C

SJI

SS/VR/SAR /19/04/2023/3P/7C