



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2023

PRESENT

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

CRL OP(MD). No.7033 of 2023

George

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : M/s.SrIREngan.R,
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 Cr No.18/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 370(4), 317 of IPC 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, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, is that the fourth child was born to Panchavarnam-Pandeeswaran at Government Hospital. Sivakasi and thereafter the child was brought to Easwaran colony and the couples of the child intended to sell the child for which the couples approached the nurse namely Ajitha who is working in the Primary Health Centre, Maraneri and four persons came there to see the child and the child was handed over after two days. The said Pandeeswaran who is arrayed as A1 along with his wife and four children went to Pandian Nagar Sivakasi as per the advice of the 5th accused and they obtained a sum of



Rs.40,000/- from the petitioner and his wife and also executed a deed for consent. As per the direction of the District Child Welfare committee the present complaint was lodged.

3. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A3. The petitioner after his marriage had no issues. Therefore he had approached A1 and A2 who are the original parents of the child, as they intended to give the fourth daughter by way adoption.

4. The learned counsel for the petitioner also produced deed entered into between them in which A1 and A2 agreed to give the fourth daughter by way of adoption and that too in accordance with law. He further submitted that the petitioner is also ready and willing to adopt the child in accordance with law.

5. Taking into consideration all the above 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 No.I, 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 on every Saturday and Sunday at 10.30 am., for a period of four 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/-
18/04/2023

WEB COPY

/ TRUE COPY /

/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB 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.SRIRENGAN.R, Advocate (SR-6031[I] dated 18/04/2023)

ORDER
IN
CRL OP(MD) No.7033 of 2023
Date :18/04/2023

SS/CG/SAR III/24/04/2023/3P/6C