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CRL OP(MD).



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

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7262 of 2023

Gopi @ Gopinath @ Gopalakrishnan, ... Petitioner/6th Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.
(Crime No.40 of 2022)

... Respondent/Complainant

For Petitioner : M/s.V.Vilma Raxy, Advocate.

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

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

PRAYER :-

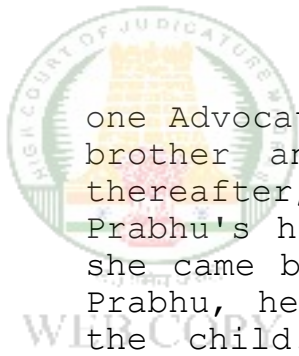
For Bail in Cr No.40/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 15.01.2023 for the offence punishable under Sections 294(b),361,370 and 506(i) of IPC and section 81 of Juvenile Justice (Care and Protection of children)Act, 2015 @ sections 370, 365, 346, 109, 120(b), 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

<https://www.mca21.com.in/judis>



one Advocate Prabhu and his wife Shanmugavalli, who are known as the 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. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration the facts and submissions made by the learned counsels and also the fact that all the co-accused were arrested and released on bail and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate, lalgudi and on further conditions that:

[b] 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.

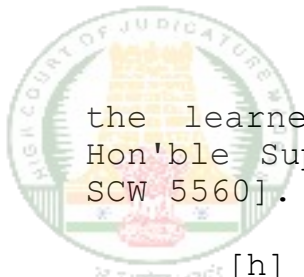
[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

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20/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, LALGUDI, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.VILMA REXY, Advocate (SR-6170[I] dated 20/04/2023)

ORDER
IN
CRL OP(MD) No.7262 of 2023
Date :20/04/2023

PKP/SSS/SAR- /20.04.2023/ **3P/7C**