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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/06/2023

PRESENT

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

CRL OP(MD) . No.9134 of 2023

1. Murugesan,

2. Santhosh,

... Petitioners/Accused Nos. 6 & 7

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
(Crime No.13 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Thillai Kumar.V., Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2023 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A6 and A7 who apprehend arrest at the hands of the respondent police for the offences punishable under section 81 of the Juvenile Justice(Care and Protection of Children) Act, 2015 in Crime No. 13 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 A1 and A2 in this case have sold their fourth female child (newly born) to the petitioners/accused for valid consideration, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. Even according to the petitioner they adopted the child from the parents of A1 and A2 since they have no issues. A3 and A4 being agents they received commission and now the child has been recovered and kept in home. Taking into consideration all the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Oddanchatram, Dindigul District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.



6. It is now seen that the one month tender baby was now kept in home. Therefore the respondent police is directed to hand over the child to the biological father/mother forthwith.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ODDANCHATRAM,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.V.THILLAI KUMAR, Advocate SR.No.7985(I)

ORDER
IN
CRL OP(MD) No.9134 of 2023
Date :01/06/2023

PKP/MMS/SAR- /02.06.2023/ **3P/6C**