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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2023

PRESENT

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

CRL OP(MD). No.11251 of 2023

T.Malliga,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Nazareth Police Station
Tuticorin District
Crime No 46 of 2023.

... Respondent/Complainant

For Petitioner : M/s. Ramakrishnan.Ka.,
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.46 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 80,81 of the Juvenile Justice Act in Crime No. 46 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had gone to delivery for her 6th child run by the accused, the second accused also went with her for adoption of the child to the aunt and uncle of the defacto complainant and for the same she was paid with some money and a girl child was born on 21.03.2023. When the uncle and aunt of the defacto complainant went for vaccination at Pazhavur PH the staff on doubt verified and found that the child was not their child lodged the present complaint.



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

4. It is seen that the victim was admitted in the hospital for delivery of her sixth child, however she was interested to give adoption to her uncle. However A2 and A3 were arranged for adoption in their names. So far as the petitioner herein is concerned she is a doctor working in Government Hospital and she used to visit the hospital whenever emergency arises. Further it is also seen from the records that the defacto complainant does not want to proceed as against the accused persons. Taking into consideration the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sathankulam, Tuticorin 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 6.30 pm., for a period of two 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.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, TUTICORIN DISTRICT.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE
NAZARETH POLICE STATION
TUTICORIN DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-9509[I] dated 23/06/2023

ORDER
IN
CRL OP(MD) No.11251 of 2023
Date :23/06/2023

PKP/CG/SAR- /30.06.2023/ **3P/6C**