



Crl.O.P.(MD)No.16996 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 25/09/2023

**THE HON'BLE MR JUSTICE G.ILANGO VAN**

Crl.OP(MD)No.16996 of 2023

1.Rajathi @ Rajathi Nagamani

2.Balamurugan

: Petitioners/ Accused Nos.1 and 2

Vs.

State rep. by  
The Inspector of Police,  
Appanthirupathi Police Station,  
Madurai District.  
(Crime No.132 of 2023)

: Respondent/ Complainant

For Petitioners : Mr.R.Murugappan, Advocate.

For Respondent : Mr.B.Nambiselvan  
Additional Public Prosecutor

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

**PRAYER:-**For Anticipatory Bail in Crime No.132 of 2023 on the file of the Respondent Police.

**ORDER:** The Court made the following order:-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 80, 81 and 87 of the



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Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.132 of 2023 on the file of the respondent police, seek anticipatory bail.

**2.The case of the prosecution in brief:-**

The de-facto complainant is the Child Welfare Officer. He lodged a complaint stating that the first petitioner have 3 children. Out of the 3 children, 2 are female. The first petitioner's husband deserted her. Later the first petitioner was living with the second petitioner namely Balamurugan. She delivered a female child, on 22/11/2022. Without following proper legal procedure, the petitioners desirous to give the child adoption to the brother of one Santhi by name Murugan and his Vijayalakshmi. Guruvammal is also aiding the parties and the document of adoption was also registered, on 03/08/2023. Finding that the child was sold, over which, a complaint has been given. Upon which, a case in Crime No.132 of 2023 was registered for the offences stated above.

3. Seeking bail, this petition has been filed by A1.

4. Heard both sides.

5. The problem started in this way, the second petitioner was indebted to one

Guruvammal; The amount borrowed was Rs.3,50,000/-. The above said

<https://www.mca.gov.in>



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Guruvammal was demanding return of the above said money. The petitioners were not in a position to pay the amount because of the family circumstances. At that time, Guruvammal told that the children may be given in adoption to one Murugan. After making consultation, finding that money can also be earned in this adoption issue, after negotiation, the amount was settled at Rs.3,00,000/-. Later money was also given. But the senior maternal Aunt of Balamurugan gave a complaint before the Thiruparankunram Police Station, on 27/07/2023. In the meantime, the first petitioner appears to have filed HCP(MD)No.1103 of 2023 to produce the child from the custody of the respondents 5 to 8 therein. While hearing the above said petition, since child trafficking is involved in this matter, investigation was also ordered to be undertaken. Now that matter is adjourned to 05/10/2023 for further hearing. In the meantime, the child was handed over to the petitioners.

6. Reading of the entire CD file shows that the petitioners are the reason for the above said occurrence. This petition has been filed as if they are innocent. Actually, for the purpose of discharging the liability only, the petitioners alleged to have entered into the above said negotiation with the above said Murugan and received the money and settled the same with Kuruvammal. Later appears to have taken action, since the case has been registered. So, it appears that the petitioners are not the genuine persons. Such persons are not entitled for any discretionary relief.



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Money was involved in the illegal adoption. As ordered by the Hon'ble Division Bench of this court, only if the accused persons are subjected to the custodial interrogation, the truth will come out.

7.In the result, this criminal original petition stands **dismissed**.

sd/-  
25/09/2023

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/10/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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To,

1.The Inspector of Police,  
Appanthirupathi Police Station,  
Madurai District.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.R.MURUGAPPAN, Advocate ( SR-14160[I] dated 26/09/2023 )



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**25/09/2023**

MK/05.10.2023 5P 4C

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