



CRL OP(MD). No.18687 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18687 of 2023

Tejeswari

... Petitioner / Accused No.10

Vs

State represented by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No. 174/2023.)

... Respondent / Complainant

For Petitioner : P.T.Ramesh Raja, Advocate.
For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 174 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 27.08.2023 for the alleged offence punishable under Sections 370(4) IPC and Sections 80 and 81 of Juvenile Justice (Care and Protection of the Children) Act, in Crime No.174 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that one of the accused's wife conceived and in order to conceal the delivery, the mother of the child and her family members wanted to dispose the child, by utilizing the said situation the other accused persons sold the child to the petitioner herein. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution and her name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 27.08.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the other accused persons have given the child to the petitioner for legal adoption and the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and that the petitioner is only a purchaser of the child and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to



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the satisfaction of the learned Judicial Magistrate, Peraiyur, Madurai and on further
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conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/10/2023

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18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023

TRP



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To

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1.The Judicial Magistrate, Peraiyur, Madurai.

2.Do through the Chief Judicial Magistrate, Madurai District.

3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

4.The Superintendent,
Special Prison for Women,
Central Prison, Madurai.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-15410[I] dated 18/10/2023)

ORDER
IN

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Date :18/10/2023

ED/ /SAR- (18/10/2023) 4P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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