



CRL OP(MD)No.22195 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.22195 of 2023

Asina

... Petitioner/ Accused Rank No.5

Vs

The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.293 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboobathy, 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.293 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 19.11.2023 for the alleged offence punishable under Sections 370(4) IPC and Sections 80 & 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.293 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that A1 gave birth to the male child on 18.10.2023 at Government Hospital, Rajapalayam, Virudhunagar District. On 25.10.2023, with an inducement of the petitioner and other accused, A1 sold the child to A5 and shared the sale consideration. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 19.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is still pending.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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,



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Rajapalayam, Virudhunagar District and on further conditions that:

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(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

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

(v) the petitioner shall not abscond during trial.

(vi) 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].

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

sd/-
08/12/2023

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08/12/2023

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

gns

<https://www.mhc.tn.gov.in/judis>



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TO

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1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE, SPECIAL PRISON (WOMEN), MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-17442[I] dated 08/12/2023)

ORDER
IN

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Date :08/12/2023

RS//SAR-(08.12.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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