



Crl.O.P.No.1473 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.1473 of 2024

1.Manikandan

2.Kalaiselvan

...Petitioners/Accused-4 & 5

Vs.

State represented by
The Inspector of Police,
Jolarpet Police Station,
Tirupathur District.

(Crime No.510 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.510 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.C.D.Sugumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



Crl.O.P.No.1473 of 2024

WEB COPY

ORDER

The petitioners/A4 and A5 in Crime No.510 of 2023, registered for the offences under Sections 294(b), 341, 372, 373, 506(ii) of IPC r/w Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, seek bail. They had been remanded to judicial custody on 08.12.2023.

2.It is the case of the prosecution that the defacto complainant had two children and the 3rd child was born on 17.09.2023 through the 1st accused. It is stated that they had taken a decision to sell the child to the 5th accused for a sum of Rs.2,00,000/-.

3.It is the contention of the learned counsel for the petitioners that the 2nd petitioner/A5, who did not have any children, bonafidely wanted to get a child and unfortunately was taken this particular method of taking the child.

4.An affidavit has been filed on behalf of the wife of the 5th accused wherein it had been stated as follows:

*“I submit that I and my husband
Kalaiselvan is not having any issues in our*



Crl.O.P.No.1473 of 2024

married life and we were in the intention of adopting a child and at that time accused No.1 in the above case handed over a female child to my husband and he received the said child with the good intention of bringing her up and not for any other reason. Presently the said child has been admitted in a home for children.

3.I submit that I and my husband are ready to legally adopt the said girl child without any condition.”

5.Taking into consideration the period of incarceration and the undertaking given, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 Judicial Magistrate Court No.I, Tirupattur District, and on further conditions that: -



Crl.O.P.No.1473 of 2024

WEB COPY

[a] 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 everyday at 10.30 a.m., until further orders.

[c] A copy of the undertaking affidavit may also be filed before the jurisdictional Magistrate at the time of executing sureties.

[d] the petitioners shall not abscond either during investigation or trial.

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

06.02.2024

ata



WEB COPY



Crl.O.P.No.1473 of 2024

C.V.KARTHIKEYAN. J.

ata

To

1. The Judicial Magistrate Court No.I, Tirupattur.
2. The Central Prison, Vellore District.
3. The Inspector of Police,
Jolarpet Police Station,
Tirupathur District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1473 of 2024

06.02.2024