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Crl.O.P.No.3183 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

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

Crl.O.P.No.3183 of 2024

Jeeva

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in Crime No.510 of 2023 on the file of the respondent.

For Petitioner : Mr.E. Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.12.2023, for the offences registered under Sections 294(b),341 372,373 and 506(ii) of I.P.C, in Crime No.510 of 2023 on the file of the respondent Police, seeks bail.



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2. A2 is the mother of A1/petitioner herein and A6 is the grand father of A1. A2 and A6 have filed Crl.O.P.No.3536 of 2024 seeking anticipatory bail. It is the case of the prosecution that the defacto complainant had relationship with the petitioner/A1 and a child was born to her, later it is stated that efforts were taken to sell the child. When the connected matter came up for hearing before this Court the other accused had been granted relief. Two of the accused with whom the child was found, have also stated that if law permits they would take the child for adoption through legal means. Let the prosecution prove the case in the manner known to law.

3.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 No.I, Thirupathur** and on further conditions that:-



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[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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner/A1 along with the petitioners/A2 and A6 in Crl.O.P.No.3536 of 2024 shall jointly deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of Crime No.510 of 2023 before the learned Judicial Magistrate Court No. 1, Thirupathur on or before 31.03.2024 and on such deposit, the Judicial Magistrate Court No. 1, Thirupathur may hand over the said amount to the defacto complainant. The defacto complainant may utilize the amount for the maintenance of the child. Independent of this, the defacto complainant is at liberty to seek further maintenance in the manner known to law. If any competent Court grants any maintenance to the child this amount may be adjusted towards the same.

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

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



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[f] 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].

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

27.02.2024

smn

To

1.The **Judicial Magistrate No.I, Thirupathur**

2.Inspector of Police,
Jolarpet Police Station
Thirupathur District.

3.The Central Prison,Vellore.

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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