



Crl.O.P.No.19567 of 2024

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P.DHANABAL, J.

This Criminal Original Petition has been filed by the petitioners/A5 to A7, who were arrested and remanded to judicial custody on 31.07.2024, seeking bail in Crime No.353 of 2024, registered for the offence punishable under Sections 140(3), 111, 97, 98, 99, 316(2), 329(4) of BNSS Act, 2023.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with other accused kidnapped the two days male child from the Government Hospital, Vellore on 31.07.2024 and sold the child to the petitioners herein. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the second and third petitioners are a husband and wife, and they had no issue. The petitioners herein arranged the child from his original mother as they had no source of income to feed her child, for which, the petitioners took the child from the hospital. Subsequently, the police came, rescued the child and informed that the



child was stolen and thereby, the respondent police arrested the petitioners.

He further submitted that they are in judicial custody for more than 18 days. Hence, he prayed for bail stating that, the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that there are totally seven accused in this case and the petitioners herein are arrayed as A5 to A7. He further submit on the date of the incident, a two days old male baby was kidnapped by the first accused and with the help of CCTV camera, the respondent police arrested the first accused. He further submit that based on the confession of the arrested accused, the petitioners herein are arrested. During the course of investigation, it is revealed that A1 had kidnapped the two days old male child from the Government Hospital and sold it to the petitioners herein/A5 to A7, who were in Karnataka, for a sum of Rs.2 lakhs, out of which, Rs.70,000/- has been recovered from the accused persons. He further submit that two days old male baby has been rescued and handed over to the parents of the child. He further submit



Crl.O.P.No.19567 of 2024

that the investigation is at initial stage. However, opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel on either side and also considering the grave nature of offence and the investigation has not yet been completed, at this stage, this Court is not inclined to grant bail to the first petitioner. Therefore, this Criminal Original Petition is dismissed as against the first petitioner. As far as the second and third petitioners are concerned, this petition is dismissed as not pressed and the counsel has also made an endorsement to that effect.

7. Accordingly, the Criminal Original Petition stands dismissed.

16.08.2024

drl



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