



Crl. O.P. No.20984 of 2024

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P. DHANABAL.J.,

The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 98, 99, 351(3) of B.N.S. 2023 read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act in connection with the Cr. No.346 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant delivery her 3rd baby, while so, A2 and A3 approached A1 for sale of child and A1 sold the baby to A2 for an amount of Rs.2 lakhs and under the threatening of A1, the petitioner also co-operated for the same. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that she is the victim as well as defacto complainant, that A1 is her husband, that A2 and A3 are purchasers, that she is no way connected with the commission of offence and she is ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for



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the respondent police would contend that the defacto complainant has lodged complaint against her husband, who is A1, as he sold their child for Rs.2 lakhs to A2 and A3. Hence he objected for the grant of anticipatory bail. Further he submitted that the child is now with parents and there is no previous case against the petitioner.

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

6. Considering the arguments putforth on either side, considering the fact that the child is now with parents, that no previous case is pending against the petitioner and considering the charges levelled against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **X Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners shall 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



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the learned Magistrate concerned and on further condition that:

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[a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

05.09.2024



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To

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police, Vyasarpadi Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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