



CRL O.P. No.22428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22428 of 2024

Aishwarya

... Petitioner / Accused - 7

Vs

State rep. by
The Inspector of Police,
Vellore Taluk Police Station,
Tamil Nadu.

(Crime No.353 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the petitioner on bail in Crime No.353 of 2024, on the file of the respondent.

For Petitioner : Mr.Manuraj

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 01.08.2024 for the offences punishable under Section 140(3) of BNS, 2023, altered to Sections 111, 97, 98, 99, 316(2), 329(4) and 140(3) of BNS, 2023, in Crime No.353 of 2024, on the file of the respondent, seeks bail.

2.It is the case of the prosecution that on 31.07.2024, a new born two days male baby was taken away by A1 in a bag from the possession of the mother of the child in Adukkambarai Government Hospital, Vellore. A1 and her son aged 10 years came to the hospital and had conversation with the child's mother and the grandmother, stating that they will look after the child and informed the mother to go for breakfast wherein the defacto complainant brought the tiffin to the mother and grandmother of the child. When they went for breakfast, A1 kidnapped the child. Hence, the case. The respondent searched the accused through CCTV Camera and reached A1's house, wherein A1 was arrested and based on her confession, this petitioner and other accused were secured.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the married women and she did not have child for more than 8 years of marriage and A1 to A5 had approached the petitioner stating that they would legitimately arrange the adoption of the child and that the petitioner has no way connected with the alleged offence. He would further submit that the petitioner has nothing to do with the offence as alleged by the prosecution. He would further submit that there is no previous case against the petitioner. He would also submit that there is no overt act as against the petitioner in the alleged offence and he is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner, along with A1 and other accused, have kidnapped the new born male child from the defacto complainant in Adukkambarai Government Hospital. He would further submit that all the accused were secured and remanded to judicial custody. He would also submit that there is no previous case against the petitioner and investigation has been



almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and that no previous case is pending against the petitioner and also considering that the child was already recovered and the number of days of incarceration undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Principal Sessions Judge, Vellore**, and on further conditions that;

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

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



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the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

11.09.2024

ata

To

- 1.The Principal Sessions Judge, Vellore.
- 2.The Inspector of Police,
Vellore Taluk Police Station,
Tamil Nadu.
- 3.Central Prison (Women), Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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