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CrI.O.P.No.22230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.22230 of 2024

Sathiyadoss

...Petitioner/Accused - 1

Vs.

The State Represented by,
The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai District.
(Crime No.346 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNS, 2023 praying to enlarge the petitioner on bail in Crime No.346 of 2024, on the file of respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar.

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER



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The petitioner/A1, who was arrested and remanded to judicial custody on 15.08.2024 for the offences under Sections 98, 99 and 351(3) of the Bharathiya Nyaya Sanhita (BNS), r/w Section 4 of the TNPHW Act, in Crime No.346 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant/wife of the petitioner delivered her third baby, while so, the co-accused/A2 and A3 approached the petitioner/A1/father of the child for sale of that child and the petitioner sold the child to A2 for a sum of Rs.2,00,000/- (Rupees Two Lakhs only). Hence, the complaint.

3. Learned counsel for the petitioner/A1 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 15.08.2024; and that the co-accused in this case was granted anticipatory bail by this Court vide its order dated 05.09.2024 in Crl.O.P.No.20984 of 2024; that the petitioner is a law-abiding citizen; and that the petitioner is



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ready to furnish substantial sureties for his due release on bail. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are six accused in this case, that the petitioner is arrayed as A1; and that the petitioner/father of the child is a drunker, and that he sold his child to the co-accused/A2 and A3/purchasers, for a sum of Rs.2,00,000/-. He further submitted that now the child was secured and handed over to the biological parents; there are no previous cases pending against the petitioner; and that the co-accused was granted anticipatory bail by this Court. However, he strongly opposed granting bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences, that already the child was recovered and handed over to the biological parents, and that the co-accused was granted anticipatory bail by this Court, that there are no previous cases pending against the



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petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 ***X Metropolitan Magistrate Court - Egmore***, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

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

[e] the petitioner shall not abscond either during



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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.

20.09.2024

dk

To

- 1.The X Metropolitan Magistrate Court - Egmore,
- 2.The Superintendent of Prison,
Central Prison Puzhal – II, Chennai.
- 3.The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai District.



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4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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