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Crl.O.P.No.26180 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26180 of 2024

Munusamy

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Poolampatti Police Station,
Salem District.
(Crime No. 233 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.233 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Vijayaraghavan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 25.09.2024, for the alleged offences punishable under Section 81 of
Juvenile Justice (Care and Protection of Children) Act, 2015 @ Sections 81,



CrI.O.P.No.26180 of 2024

87 of Juvenile Justice (Care and Protection of Children) Act and Section 143(1)(f) r/w 143(2) of BNS 2023, in Crime No.233 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the District Child Welfare Officer. A1 and his wife attempted to sell their child, in which, this petitioner along with other accused were involved in human child trafficking in this case. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that co-accused was also released on bail. He further submit that the petitioner was arrested and is in judicial custody from 25.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the defacto complainant is the District Child



Crl.O.P.No.26180 of 2024

Welfare Officer. A1 and his wife attempted to sell their child, in which, the petitioner along with other accused were involved in human child trafficking. He further submits that the petitioner herein is acted as broker in this case. He further submits that the petitioner has no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, co-accused was also released on bail, the petitioner has no previous case, pending against him, considering the period of incarceration undergone by the petitioner from 25.09.2024, and the petitioner has no previous cases, pending against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 learned



CrI.O.P.No.26180 of 2024

District Munsif cum Judicial Magistrate, Edapadi, Salem District, 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 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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

[f] If the accused thereafter absconds, a fresh FIR can be registered



CrI.O.P.No.26180 of 2024

under Section 269 B.N.S.

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drl

To

- 1.The District Munsif cum Judicial Magistrate,
Edapadi, Salem District.
- 2.The Inspector of Police,
Poolampatti Police Station,
Salem District.
- 3.The Superintendent,
Sub Jail, Sankari, Salem District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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Crl.O.P.No.26180 of 2024

Crl.O.P.No.26180 of 2024

29.10.2024