



Crl.O.P.No.27556 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.462 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that a 10 month old girl child was illegally adopted by one Naseema Banu. On enquiry, it came to light that due to illicit relationship between the mother of the victim child and one Deva, the girl child was born and the child was sold for Rs.1,00,000/- through the petitioner. Hence, the case.

4.The learned counsel for the petitioner would submit that the Petitioner is innocent and she has been falsely implicated in this case. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate (Crl. Side) would submit that there are totally four accused in this case, in which A1 is the mother of the child and she sold her own child to A3 for Rs.1,00,000/-. A3 is the purchaser and A2 and A4 acted as brokers. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7.Considering the representations made on either side, considering the nature of offences charged against the petitioner and that no previous case is pending against her and the petitioner is not a named accused in FIR, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the ***District Munsif cum***



Judicial Magistrate, Valangaiman, on condition that the petitioner 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 the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 BNS.

04.11.2024

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