



CRL OP(MD) No.23583 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23583 of 2023

1 ARUL SELVI
2 PALRAJ

... PETITIONERS/ ACCUSED 2 & 3

Vs

THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION,
DINDIGUL.
(CRIME NO.836/2023).

... RESPONDENT/COMPLAINANT

For Petitioners : MR.I.ROMEO ROY ALFRED, Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.836/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 80 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Cr.No.836 of 2023, seek anticipatory bail.

2. The case of the prosecution is that without following the procedures

<https://www.mhc.trn.gov.in/judis>



CRL OP(MD) No.23583 of 2023

WEB COPY
the case.

contemplated under the Juvenile Justice Act, the petitioners adopted a child. Hence,

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and based upon the complaint given by the Child Welfare Officer, the present case has been registered against them. He further submitted that the petitioners following the procedures contemplated under the Juvenile Justice Act, they adopted the child. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that the without following the procedures contemplated under the Juvenile Justice Act, the petitioners adopted the child. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that it is a procedural violation and there is no serious allegation made against the biological parents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



CRL OP(MD) No.23583 of 2023

WEB COPY

learned Judicial Magistrate No.II, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by



CRL OP(MD) No.23583 of 2023

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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
3 THE INSPECTOR OF POLICE, TOWN NORTH POLICE STATION, DINDIGUL.
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.ROMEO ROY ALFRED, Advocate (SR-385[I] dated 09/01/2024)

ORDER IN
CRL OP(MD) No.23583 of 2023
Date :08/01/2024

RS/DD/SAR-(11.01.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023