



WEB COPY



Crl.O.P. No.15035 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.15035 of 2025

Mohan Raj

... Petitioner/ Accused No.1

Vs.

The State Rep. By,
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.
(Crime No.156 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.156 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



WEB COPY



CrI.O.P. No.15035 of 2025

ORDER

Petition seeking bail in respect of Crime No.156 of 2025 registered for the alleged offences punishable under Sections 370(3), 177 of IPC and Sections 80 and 81 of Juvenile Justice and Protection of Children Act, 2015 is on board for consideration.

2. The case of the prosecution is that the petitioner/A1 and A2 were involved in an extramarital relationship, which resulted in the birth of a male child; that since they could not able to maintain the said child, they approached the accused person/ A8, who colluded with other accused/ A3 to A9 and sold the child for a sum of Rs.7,00,000/- to A10 and A11, who are the adopted parents; that thereby the accused persons A1 to A9 shared the said amount among themselves. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody. He further submitted that the co-accused/ A5- A9 were already granted bail by this Court in



Crl.O.P. No.15035 of 2025

Crl.O.P.Nos.11855, 12299 and 12562 of 2025 and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and prayed for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioner herein arrayed as A1, who colluded with other accused and sold his one year old male child to the other accused. He also submitted that the investigation is pending and opposed the bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the co-accused were already granted bail, the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate Court No.I, Coimbatore.**



WEB COPY

(2) **The petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;**

(3) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



CrI.O.P. No.15035 of 2025

(8) If the accused thereafter absconds, a fresh FIR can be

registered under Section 269 of B.N.S.

WEB COPY

16.05.2025

stn

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate-I,
Coimbatore.
2. The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.
(Crime No.156 of 2025)
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P. No.15035 of 2025

M. NIRMAL KUMAR, J.

stn

Crl.O.P. No.15035 of 2025

16.05.2025