



WEB COPY

CRL OP No. 20125 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 20125 of 2025

1. Saro @ Saravanan

2.Saravana Kumar

Petitioners

Vs

State rep. by The Inspector of Police,

THIRUTHURAIPOONDI Police

Respondent

Station, Tiruvarur District. (Crime

No.302 of 2025)

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to_enlarge the Petitioners on bail in the event of their arrest in Crime No.302 of 2025, on the file of the respondent police.

For Petitioner(s): Mr.Camyles Gandhi W

For Respondent(s): Mr.S.Udayakumar

Government Advocate (Crl. Side)

**ORDER**

WEB COPY

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 419 of IPC and Section 81 of JJ Act, in Crime No.302 of 2025, seek anticipatory bail.

2.The prosecution case is that the petitioners have allegedly involved in the sale of a 4 years old child belonging to the first accused, Priyalakshmi. According to the investigation, Priyalakshmi had been abandoned by the child's father and another man she was involved with, and she would leave the child locked at home while she went to work. Following a complaint, the authorities rescued the child and discovered that Priyalakshmi had given another child, born on November 13, 2023 to the petitioners, prompting the registration of an FIR against him.

3.The learned counsel appearing for the petitioners would submit that they are innocent and not involved in the alleged offence. The petitioners, members of the LGBTQ Community, are in a matrimonial relationship and, due



WEB COPY

to biological difficulties, decided to adopt a child. They approached the first accused and executed an adoption deed on November 17, 2023, adopting her second child. The petitioners have been raising the child properly, meeting their daily needs, and there have been no complaints against them. They are willing to formalize the adoption through proper registration. Hence, prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioners, members of the LGBTQ Community, are in a matrimonial relationship and, due to biological difficulties, decided to adopt a child. They approached the first accused and executed an illegal adoption deed on November 17, 2023, adopting her second child. Further, the Child Welfare Officer, Tambaram secured the 4 year old child and as well as obtained an information from A1 that her 2nd female child born on 13.11.2023, at NVK Hospital and the same has been given to the petitioners herein. Therefore a case was registered by the respondent police. As on date the children are rescued and they are kept in the home. According to the petitioners



due to economical difficulty, A1 gave the child voluntarily. He would further submit that the investigation is almost completed.

WEB COPY

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the nature of allegations and that the children are under the care of the Child Welfare Officer, Tambaram, this Court directed the Child Welfare Officer, Tambaram, to handover the children to their mother/Priyalakshmi, A1 herein. The children are tender age and they need the care of the mother also, for that reason, custodial interrogation is not required for the purpose of investigation and therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Thiruthuraipoondi*, on condition that the petitioners shall execute a separate 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) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (b) the petitioners shall report before the respondent police as and when required for interrogation;
- (c) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (d) the petitioners shall not abscond either during



investigation or trial;

WEB COPY

(e) 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 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 under Section 269 of B.N.S.

10-09-2025

gbi

Index: Yes/No

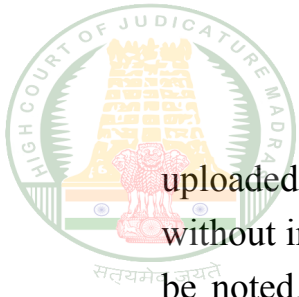
Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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



CRL OP No. 20125 of 2025



uploaded in Official Website of this Court
without insisting on certified hard copies. To
be noted, this order when uploaded in the
official website of this

Court will be watermarked and will also
have a QR code.



To
WEB COPY

1.State rep. by The Inspector of Police,
THIRUTHURAIPOONDI Police
Station, Tiruvarur District. (Crime
No.302 of 2025)

2.The Judicial Magistrate,
Thiruthuraipoondi.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY

CRL OP No. 20125 of 2025



T.V.THAMILSELVI J.

gbi

**CRL OP No. 20125 of
2025**

10-09-2025