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Crl.O.P.No.28449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.28449 of 2025

1.R.Sarathkumar
2.S.Divya

... Petitioners

Vs.

The State Rep. By,
The Inspector of Police,
Thiruvanamalai East Police Station,
Thiruvanamalai – 606 604.
Crime No.507 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.507 of 2025 on the file of the respondent police.

For petitioners : Mr.D.Jagadeesan
For Respondent : Mr.S.Udayakumar,
Government Advocate (Criminal Side)

ORDER



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The petitioners herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 93 & 62 of BNS and Section 81 of JJ Act, 2015, in Crime No.507 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had come forward to give their third child in adoption to one of the prospective parents, and after allegedly demanding a sum of Rs.5,00,000/- the said prospective parent contacted the Child Helpline for enquiry. The matter was immediately reported to the authorities and the child was rescued. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners had taken the child only at the request of the Child Helpline for the purpose of facilitating adoption and that no money was received from anyone. He further submitted that the petitioners are innocent and have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the



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respondent police opposed the grant of anticipatory bail, reiterating the prosecution case and submitted that the investigation in this case is still pending.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsels on either side, taking into fact that the petitioners had taken the child only at the request of the Child Helpline, though it is alleged that it is for illegal adoption, this Court is of the view that custodial interrogation of the petitioners are not required and is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court No.I, Alandhur, Chengalpet District**, on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties** each for a like sum to the satisfaction of



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the learned Magistrate concerned, and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten 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 Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent police for a period of two weeks, and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

- 1.The Judicial Magistrate Court No.I,
Alandhur, Chengalpet District,
- 2.The Inspector of Police,
Thiruvanamalai East Police Station,
Thiruvanamalai – 606 604.
- 3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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