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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.35261 of 2025

A.Mohamed Ghouse

... Petitioner

Versus

The State rep by its,
The Inspector of Police,
Thirunallar Police Station,
Thirunallar Town,
Pondicherry State.
(Crime No.73 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.73 of 2025 on the file of the respondent police.

For Petitioner : Mr.Vinoth Kumar

For Respondent : Mr.M.V.Ramachandramurthy
Public Prosecutor (Puducherry)
Assisted by
Mr.A.Alexander,
Government Advocate (Puducherry)

ORDER

The petitioner, who apprehends arrest by the respondent police for the offences punishable under Sections 337, 340(2), 318(2), 91 of BNS & 81 of Juvenile Justice Act, 2015 & 5(3) & 5(4) of the Medical Termination of



Pregnancy Act, 1971, in Crime No.73 of 2025 registered on the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that he, along with the other accused, was involved in child trafficking. Based on a complaint lodged by the Child Welfare Committee, a case was registered and investigation was taken up. During the course of investigation, the child was rescued and some of the accused were arrested. The petitioner has been arrayed as Accused No.11 in the case and it is alleged that he had also actively participated in the commission of the offence. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the earlier anticipatory bail petition filed by the petitioner was dismissed in CrI.O.P.No.17389 of 2025 dated 14.07.2025 at the stage of investigation. It is further submitted that the investigation has now been completed and the final report has been filed in P.R.C.No.49 of 2025 on the file of the Judicial Magistrate No.II, Karaikal. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry), appearing for the respondent police, reiterated the prosecution case and submitted that the offences are triable by the Sessions Court. It is further submitted that cognizance has been taken by the Judicial Magistrate, summons have been issued, and the petitioner has appeared before the Court and filed vakalat.



Hence, he opposed the grant of anticipatory bail to the petitioner.

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

6. Though it is stated that only summons have been issued and the petitioner has appeared before the Court, since the offences are triable by the Sessions Court, it is necessary for the petitioner to obtain bail in order to execute sureties for the purpose of committal proceedings. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.II, Karaikal***, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 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 petitioner shall report before the concerned Court at 10.30 a.m., on all hearing dates without fail.

(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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.01.2026

drl

To

1.The Judicial Magistrate No.II,
Karaikal.

2. The Inspector of Police,
Thirunallar Police Station,
Thirunallar Town,
Pondicherry State.

3.The Public Prosecutor,
Puducherry.

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K.RAJASEKAR, J.

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