
(2025) 10 MAD CK 1330

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 19012 Of 2025

Murugan And Others

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 31-10-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 137, 269 Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 81

Citation : (2025) 10 MAD CK 1330

Hon'ble Judges : S.Srimathy, J

Bench : Single Bench

Advocate : J.Yesu Subananth, S.S.Manoj

Judgement

S.Srimathy, J

1. The petitioners, who were arrested and remanded to judicial custody on 03.10.2025 for the offences punishable under Sections 137 of BNS Act, 2023, r/ w Section 81 of the Juvenile Justice Act, in Crime No. 265 of 2025 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners with the help of other accused persons adopted the defacto complainant's child without the knowledge of the defacto complainant. Further it is alleged that since the defacto complainant's husband is a drug addict, he sold the child to the petitioners for a sum of Rs.50,000/-. Hence, the complaint.

3. The contention of the learned counsel for the petitioners is that the petitioners are deaf and dumb and they are not having children. Therefore, they sought the help of A1 and A2 to adopt a child. A2 is the father of the child and the defacto complainant is the mother of the child. A1 is the mediator. A2 made a false statement that the child's mother died and hence he wanted to give the child for adoption. The learned counsel for the petitioners further submitted that the petitioners are innocent person and they have not committed any offences as

alleged by the prosecution. The petitioners are in judicial custody from 03.10.2025. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that the petitioners have no previous cases and the entire allegation is against A2 alone. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and now it is reported that the mother is alive and she is the defacto complainant in this case and also considering the period of incarceration suffered by the petitioners and the nature of the crime, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing 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 learned Judicial Magistrate No.VI, Thiruchirappalli District, and on further conditions that :-

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent as and when required;

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 is 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.