



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5569 of 2018

LAKSHMI,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.46/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

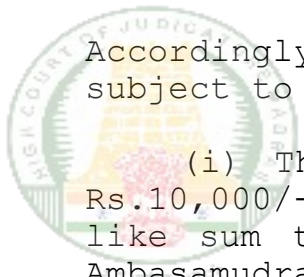
The petitioner is arrayed as the sole accused. She was arrested on 15.02.2018 by the respondent police and remanded to judicial custody. The case against her is for the offence punishable under Section 302 IPC, in Crime No.46 of 2018, on the file of the respondent police. She seeks bail.

2.The case of the prosecution is that the petitioner herein committed the murder of her two months male child by drowning him in the water.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged and she is in judicial custody from 15.02.2018 and therefore, prays for bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) submitted that the investigation of the case is in progress.

5.The petitioner is the mother. The deceased is her own child. Though the allegations against the petitioner are quite serious, considering the fact that the petitioner is the own mother of the child and there appears to be no other motive, this Court is inclined to enlarge her on bail with certain conditions.



Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, Tirunelveli.

(ii) The petitioner shall appear before the respondent police as and when required for interrogation.

(iii) The petitioner shall not abscond.

(iv) 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]**.

sd/-
10/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2
TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADAYAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, KOKKARAKULAM,
TIRUNELVELI.

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.5814

GJM/CM/VR/SAR-I-10.4.18-2P-7C

ORDER
IN
CRL OP(MD) No.5569 of 2018
Date :10/04/2018