



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22552 of 2018

SUSILADEVI

... PETITIONER / ACCUSED NO.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UPPILIAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.231/2018)

... RESPONDENT /COMPLAINANT

For Petitioner : Mr.N.MOHAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

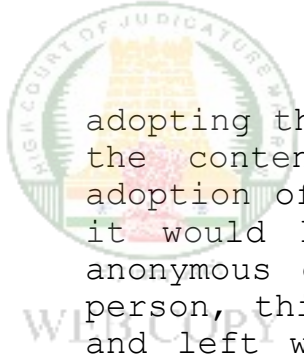
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 08.12.2018 for the offences punishable under Sections 370 (4) and 317 of I.P.C r/w Section 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, in Crime No.231 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is the infant who was born on 17.09.2018 to the third and fourth accused had given to the first and second accused without following any adoption procedure, for which the petitioner A5 acted as Mediator. A6 is the cousin of A4. On 08.10.2018 an anonymous call was received to the child help line, who had rescued the child which was left without proper care and thereafter handed over to child welfare committee and the case came to be registered.

3.It is stated that the petitioner is a midwife who used to assist the Staff Nurse in the Primary Health Centre in Child birth. On 17.09.2018, a girl baby was born to third accused which was handed over to the first and second accused and thereby endangering the life of the infant. The petitioner was arrested on 08.12.2018. The contention of the petitioner is that A1 and A2 had married 10 years before and since they have no child they showing interest in



adopting the child of A3 and A4 who are the natural parents. It was the contention that both the families were live together and adoption of child to be cultivated and it is a good intention. But, it would be done as per law which is contemplated. Since an anonymous call sent to child welfare committee by vested interest person, this has been projected as so the infant has been abandoned and left with the intention to cause death of the child. It is submitted that the petitioner has been falsely implicated. No previous case is pending against the petitioner.

4.The learned Government Advocate (Crl. Side) submits that the child is now at the care of the home and A1, A5 and A6 have been arrested in this case and other accused persons are absconding.

5.Considering the facts and circumstances of the case this Court inclines to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thuraiyur and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

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

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3. THE OFFICER INCHARGE, SPECIAL WOMEN JAIL,
TRICHY.

4. THE INSPECTOR OF POLICE,
UPPILIAPURAM POLICE STATION, TRICHY DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.MOHAN Advocate SR.No.23713

ORDER

IN

CRL OP(MD) No.22552 of 2018

Date :20/12/2018

MS/PN-AC/SAR-3/20.12.2018/3P.7C