

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13505 of 2020

Lavanya
W/o.Sivasakthivel

... Petitioner

-Vs.-

State Rep. by
Sub Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.285 of 2020 on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent: Mr.T.Shanmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.08.2020 for the offence punishable under Section 174 of Cr.P.C subsequently altered into 302, 201 of IPC in Crime No.285 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that he is married to the petitioner and during May 2018, she delivered a female child. Thereafter, there was a quarrel between them, due to which, she left him and settled in her parents village and got acquainted and married one Praveen Kumar/A1. While so, on 18.05.2020, the petitioner informed the de facto complainant that their child fell down and admitted in Gudiyatham General Hospital and died. The de facto complainant suspected that something would have been done to the child, gave a complaint and based on his complaint a case was originally registered for the offence under Section 174 Cr.P.C. During the course of investigation, the fact came to light that the petitioner had developed illicit intimacy with Praveen Kumar/A1, in order to do away with the child, she along with one Praveen Kumar/A1, committed the murder of the child.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is a married woman and on 18.05.2020, Praveen Kumar/A1 had assisted her to take

the child to the hospital in a two wheeler and they met with an accident. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner developed illicit intimacy with the first accused/Praveen Kumar and since they found the child to be a hindrance to their affair, they had committed the murder of the child. Hence, he objected for the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the petitioner is arrested only on 10.08.2020, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed for the present.

-sd/-

02/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KATPADI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERDENTENT OF POLICE सत्यमेव जयते
SPECIAL PRISON FOR WOMEN, VELLORE

4 SUB INSPECTOR OF POLICE,
K.V.KUPPAM POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.13505/2020

Date :02/09/2020

RD 14/09/2020