



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

Date : 07/05/2020

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PRESENT

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

CRL OP (MD) . No.5292 of 2020

A.Pabitha ... Petitioner/
Accused Rank not known

Vs

1. The Deputy Superintendent
of Police,
Lalgudi,
Trichy District. ... 1st Respondent/
Investigating Officer

2. The Inspector of Police,
All Women Police Station, Lalgudi,
Trichy District.
(Crime No. 15 of 2019). ... 2nd Respondent/
Complainant

3. Akalya ... 3rd Respondent/
Defacto complainant

PRAYER :-

To issue a direction, directing the 1st Addl. District & Sessions Judge, Trichy to consider the petitioners bail application on the same day of her surrender in Crime No.15 of 2019 on the file of the 2nd respondent and pass such further or other order.

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For R-1 & R-2 : Mr.A.Robinson,
Government Advocate (Criminal Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for respondents 1 and 2. Since lock down is in force, I am dispensing with issuance of notice to the defacto complainant.



2. The petitioner is figuring as an accused in Crime No.15 of 2019 on the file of the second respondent police for the offences under Sections 417, 420, 312, 376 of I.P.C. r/w. Section 3(1)(s), 3(1)(w)(i), 3(1)(i), 3(1)(ii), 3(2)(Va) of SC/ST(Prevention of Atrocities) Act 1989.

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3. From a reading of the materials on record, it is seen that the primary allegations are only made against the first accused. The role attributed to the petitioner is that she helped for aborting the pregnancy. Therefore, I am of the view that the case of the petitioner can be viewed with indulgence and she can be granted the relief that she is seeking. The petitioner is a Government servant working in a primary health centre. If she is arrested and remanded, she will face serious consequences in her career. Therefore, I am of the view that the petitioner can be granted the relief sought for.

4. The petitioner is directed to surrender before the concerned Special Judge and apply for regular bail. The learned I Additional District and Sessions Judge, Trichy, shall consider and dispose of the petitioner's bail application and pass appropriate orders on the same day of her surrender. Since lock down is in force, the petitioner is given eight weeks time to surrender and the respondents 1 and 2 are also directed to not to arrest the petitioner in the meanwhile.

5. The criminal original petition stands allowed on these terms.

sd/-

07/05/2020

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/ /2020

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

TO

1. THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
TRICHY.
2. THE DEPUTY SUPERINTENDENT
OF POLICE, LALGUDI,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI,

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



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

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ORDER

IN

CRL OP(MD) No.5292 of 2020

Date :07/05/2020

PMU

SRS/ VR/ SAR-III/ 07.05.2020/ 3P/5C