



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17914 of 2021

RAJAMANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
THIRUKOILUR,
KALLAKURICHI DISTRICT.
CR.NO.13/2021

[RESPONDENT]

For Petitioner : M/S.S.MAGESH KUMAR Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 17.08.2021 for the offences under Sections ,5(j)(ii), 5(1), 6 and 7 of Protection of Child from Sexual Offences Act, 2012 in Crime No.13 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the grand father of the victim girl sexually assaulted her, thereby the victim girl became pregnant and the petitioner herein who is a local nurse gave treatment to the victim and thereafter a female child was born to the victim girl. Thereafter the newly born child was thrown in the river. Hence, the Village Administrative Officer of the concerned village registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and she has been falsely implicated in this case and the petitioner is in jail from 17.08.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner is a local nurse and she does not possess prescribed qualification for practising nurse and she has not provided proper treatment to the victim girl and also thrown the newly born child in the river. He further submits that this Court vide order dated 06.09.2021 in Crl.OP.No.16010 of 2021 dismissed the petitioner's earlier bail petition. He further submits that the statement of the victim girl u/s 164 Cr.P.C was recorded. Hence he vehemently opposed for grant of bail to the petitioner.

5. On perusal of the statement recorded under Section under 164 of Cr.P.C, reveals that grand father of the victim girl sexually assaulted her, thereby the victim girl became pregnant and the petitioner herein who is a local nurse gave treatment to the victim and thereafter a female child was born to the victim girl. Thereafter the newly born child was thrown in the river.

5. Considering the submissions made by the learned Government Advocate and also perused the 164 Statement and also the grave nature of offence and there is no change of circumstances after the dismissal of the petitioner's earlier bail petition, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
28/09/2021

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 INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
THIRUKOILUR,
KALLAKURICHI DISTRICT.



2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.S.MAGESH KUMAR Advocate on payment of necessary charges

CRL OP.17914/2021

Date :28/09/2021

INBA-12/10/2021