



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2022

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.832 of 2022

Priyadharshini

... Petitioner/Accused (Sole)

Vs

State Rep.by
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
Cr.No.1305 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian.R.L.
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1305 of 2021 on the file of the Respondent police.

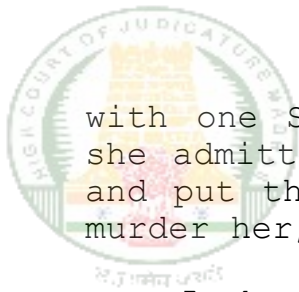
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 04.12.2021 for the alleged offence under Section 318 IPC later on altered to Sections 201, 302 and 318 IPC., in Crime No.1305 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the *de facto* complainant was supervising the cleaning of toilet, he found a dead girl child in a toilet. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner gave birth to a death child and she is not responsible for the death of the child as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) opposed the grant of bail to the petitioner by stating that the petitioner herself has admitted in her confession statement that she has illegal intimacy



with one Sathish and due to which she became pregnant. Therefore, she admitted in the hospital herself and gave birth a female child and put the child in the water tank of western toilet in order to murder her, thereby the child died.

5.The earlier bail application filed by the petitioner in Crl.OP(MD)No.21131 of 2021 was dismissed on 29.12.2021 taking note of the gravity of the offence.

6.Considering the period of incarceration undergone by the petitioner and the fact that the post-mortem report is not yet filed and since the petitioner has no previous case, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Thanjavur District and on further condition that:

[a]the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of thirty days.

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

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

[e]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]**.

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

sd/-
25/01/2022

/ TRUE COPY /

25/01/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE OFFICER INCHARGE,
WOMEN PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.832 of 2022
Date :25/01/2022

RS/VR/SAR.3(25.01.2022) 3P-6C