



Crl.OP.No.9604 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 04.03.2023 for the alleged offences under Section Born baby male missing altered to Sections 302, 201 of IPC in crime No.64 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner had love affair. Under the pretext of marriage, they had physical relationship and the complainant got pregnant. The parents of the complainant arranged their marriage without informing to the parents of the petitioner. Thereafter, she delivered a boy baby. While so, the petitioner handed over the child to his friend to take care of. Suppressing all these facts to the petitioner's parents, with their consent, the petitioner married the complainant. Frequently, the complainant asked the petitioner about their child. But the petitioner, only informed that the child is with his friend and the child is safe. While so, on doubt, the complainant lodged complaint, which was filed for the offence under born baby missing. On enquiry, it was found that the petitioner killed the child, pursuant to which sections were altered into Sections 302 and 201 of IPC.



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3. The learned counsel for the petitioner submits that there is no intention for the petitioner to kill his own male baby and the child died only due to ill health. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that though the complaint was earlier registered for male boy baby missing, thereafter on enquiry, it was found that the petitioner only killed the child. Therefore, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner had love affair with the defacto complainant and under the pretext of marriage, they had physical relationship, thereby she got pregnant and delivered a male baby. Suppressing all these facts, the petitioner informed the love affair between them to his parents and arranged for marriage. Thereafter, the petitioner murdered the tender male child and also screened the body of the child. The offence committed by the petitioner is very grave. Further, he was arrested only on 04.03.2023. Therefore, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this criminal original petition is dismissed.

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