



Crl.O.P.No.26145 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks bail in Crime No.483 of 2023, originally registered under Section 174 of Cr.P.C., and subsequently altered to Section 302 r/w 201 of IPC @ 302, 201, 203, 109 r/w 34 of IPC r/w Sections 75 & 87 of Juvenile Justice Act.

2.The earlier bail application in Crl.O.P.No.24187 of 2023 had been dismissed on 18.10.2023.

3.The 1st accused is the mother of the victim child. The child was aged just 2 ½ of years. The 1st accused had separated from her husband and she was in relationship with the present accused. Both the accused persons found that the child was a hindrance to their relationship. Therefore, it is the case of the prosecution that the child had been murdered by the accused and subsequently, a complaint was given by the 1st accused as if the child had died in a road accident while playing in the road and suffered injuries in the head.

4.The nature of the injuries show that there are bite marks on the face of the child. There is not just one bite but there are as many as,



Crl.O.P.No.26145 of 2023

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from even a cursory reading of the external injuries, nearly 13 bite marks over the child. This would only imply that the child had not been murdered immediately but tortured and thereafter, was murdered. The plight of the child should be kept in mind.

5.It is contended by the learned counsel for the petitioner that investigation had been completed and final report had also been filed and the same had been taken cognizance as PRC.No.46 of 2023 by the Judicial Magistrate, Sriperumbudur. But however, the gruesome nature of the offence, and that a false complaint was lodged and thereafter, the petitioner had given an extra judicial confession, all require that the petitioner should continue to be in custody.

6.It is now stated that though the matter had been committed by the Judicial Magistrate, the Principal Sessions Judge at Kanchipuram, had indicated that the offences under SC/ST Act would also be attracted. In so far as the nature of offence is concerned, it is also stated that the offences under POCSO Act should also be included and the opinion of the Deputy Director of Prosecution, Vellore, had also been obtained.



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CrI.O.P.No.26145 of 2023

7.On the side of the respondent, it is stated that necessary steps have been taken with respect to the said observations of the learned Principal Sessions Judge and the opinion of the Deputy Director of Prosecution, Vellore, has been obtained.

8.In view of that particular fact, it may not be prudent to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

27.11.2023

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