



CRL OP(MD). No.15751 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15751 of 2023

M.Chitra

... Petitioner/ Accused(Sole)

Vs

The State rep.by,
The Inspector of Police,
Uppliyapuram Police Station,
Trichy District.
Crime No.2 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/sole accused who was arrested and remanded to judicial custody on 19.08.2023 for the offences punishable under Sections 174 Cr.P.C @ 304 of IPC @304(ii) of IPC in Crime No.02 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 01.01.2023 at about 04.00 pm., the defacto complainant took her daughter to the Solaimalai Clinic and the nurse tested the baby and prescribed some medicines and thereafter the defacto complainant took her child to home and gave the medicine to her daughter at about 09.40 pm., and thereafter at 10.00 pm., the child become unconscious and they took the child to the hospital and in the hospital they found the child dead, hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and only inorder to grab money from the petitioner this false case has been foisted against her. The petitioner has given the medicine as prescribed by the doctor and she not committed nay other offence. The petitioner was arrested and remanded to judicial custody on 19.08.2023 and she is still in judicial custody, hence she may be granted bail.



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4. The learned Additional Public Prosecutor would submit that the petitioner gave medicine to the daughter of the defacto complainant without any prescription due to which the daughter of the defacto complainant died, hence he objected to grant bail to the petitioner

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the date of registration of the First Information Report and also considering the period of incarceration and all other aspects, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur and on further conditions that:



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[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



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

sd/-
01/09/2023

/ TRUE COPY /

01/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1.THE JUDICIAL MAGISTRATE,
THURAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE OFFICER IN CHARGE,
WOMEN PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
UPPLIYAPURAM POLICE STATION,
TRICHY DISTRICT.



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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-13078[I] dated 01/09/2023)

ORDER
IN
CRL OP(MD) No.15751 of 2023
Date :01/09/2023

RK (01/09/2023) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023