



CRL OP(MD). No.18776 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Srinivas,

... Petitioner/ Accused No.6

Vs

**State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(In Crime No.174/2023)**

.... Respondent/ Complainant

For Petitioner : Mr.R.Rajesh,Advocate.

**For Respondent : Mr.RMS.Sethuraman,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Bail in Crime No.174/2023 on the file of the Respondent Police. [Section amended vide order dated 03.11.2023 in Crl.M.P.(MD)No.15061 of 2023]

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 27.08.2023 for the offences punishable under Section 370(4) of IPC and Sections 80 and 81 of Juvenile Justice Act, 2015 in Crime No.174 of 2023 on the file of the

<https://www.mhc.tn.gov.in/judis>



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respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is working as a Staff Nurse in PHC at Santhaiyur, Periyur Taluk, Madurai. On 07.08.2023, when the de-facto complainant was on night duty, one Priyadharshini came to Periyur Government Hospital with illegal pregnancy and got male baby and further both are sent to Rajaji Government Hospital, Madurai for further treatment, but without informed the hospital authorities, she left the hospital on 12.08.2023. As per instruction from the superior, the de-facto complainant visited to the above said Priyadharshini's house on 14.08.2023, but the born baby was missing. The de-facto complainant enquired about the born baby, the above said Priyadharshini not answered properly. Suspecting the same, the de-facto complainant gave a complaint before the respondent police. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 27.08.2023, hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of illegal pregnancy and the investigation is pending.

However, he opposed to grant bail to the petitioner.

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5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Peraiyur, Madurai District, and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court appear on receipt of summons;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/11/2023

/ TRUE COPY /

03/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, THIRUMANGALAM, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION, MADURAI DISTRICT.



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

+1 CC to M/s.R.RAJESH, Advocate (SR-15902[I] dated 03/11/2023)

ORDER
IN

CRL OP(MD) No.18776 of 2023

Date :03/11/2023

PKP/03.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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