



CRL OP(MD). No.19479 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19479 of 2023

Esakiammal

... Petitioner / Sole Accused

Vs

State through
The Inspector of Police,
Karivalamvanthanallur Police Station,
Sankarankovil,
Tenkasi District.
(Crime No.161/2023).

... Respondent / Complainant

For Petitioner : M/s.Ka. Ramakrishnan, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.161 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 08.07.2023 for the
alleged offence under Section 174 Cr.P.C @ 302 IPC r/w Section 75 of Juvenile



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Justice Act, in Crime No.161 of 2023, on the file of the respondent police, seeks bail.

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2.The facts in brief:

This petitioner was living along with her five year old child. Her husband died in Road accident. So she went to her parental home and living there. Later she was working in Jeyajothi Mill, Rajapalayam. On 09.06.2023 at about 2.30 p.m., the child was suffering from fever. So she requested Asaithambi, the husband of sister to take the child to the hospital and she left the child in the custody of Kaviya, who is her sister-in-law and went to the work. Later, she was informed that the child was running high fever. So the child was taken to Government Hospital, Sankarankoil. She was informed that the child reported to be dead. With this averments, she filed the complaint, which was registered in Crime No.161 of 2023, under Section 174 of Cr.P.C.

3.During the course of investigation, it was found that the petitioner is responsible for the death of the child. Finding that she caused murder of the child by continuous torture, the case was altered to Section 302 of IPC r/w 75 of Juvenile Justice Act. She was remanded to custody and seeking bail the petitioner filed earlier petition. Earlier application was dismissed by this Court considering the manner in which the above said occurrence stated to have been committed.

4.Now on the ground that the petitioner is suffering from some sort of mental



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ailment, this second petition has been filed.

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5.The learned Additional Public Prosecutor would submit that after completing the investigation final report has been filed before the committal Court namely Judicial Magistrate Court, Sankarankoil and committal process is under way.

6.Let the above said committal process be completed by the Judicial Magistrate, Sankarankovil, within a period of fifteen days from the date of receipt of a copy of this order. After the committal process is over, the Sessions Court shall commence the trial immediately. After examination of material witnesses are over, the petitioner is at liberty to move the concerned trial Court itself for bail, without approaching this Court, repeatedly.

7.With the above said directions, this criminal original petition stands dismissed.

sd/-
01/11/2023

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

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To

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1.The Judicial Magistrate,
Sankarankovil.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Officer Incharge,
Special Prison for Women,
Kokarakulam, Tirunelveli District.

4.The Inspector of Police,
Karivalamvathanallur Police Station,
Sankarankoil,
Tenkasi District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19479 of 2023

Date :01/11/2023

ED/ JGB/SAR- (03/11/2023) 4P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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