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Crl.O.P.No.26450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26450 of 2024

Kokila

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No. 231 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.231 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Varanesh

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 01.09.2024, for the alleged offence punishable under Section 103(1) @ 103(1) R/W 54 of BNS, in Crime No.231 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first petitioner and the second petitioner are sisters. On 01.09.2024 at about 12.45 p.m, due to illegal intimacy, A1, who is the mother of the deceased child had thrown the child into the well along with other accused and thereby committed murder of the deceased child. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. She has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 50 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally two accused in this case and



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the petitioner is arrayed as A2. He further submits that on the date of the alleged occurrence, due to illegal intimacy, A1, who is the mother of the deceased child had thrown the child into the well and thereby committed murder. He further submits during investigation, it came to know that in the CCTV footage, this petitioner was also present at the scene of the occurrence, when the deceased child was found dead in the well. He further submits that A1 is still absconding. He further submitted that the petitioner has no previous case, pending against her. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, specific overt act attributed against this petitioner is that this petitioner is the sister of A1, who is the mother of the deceased child also went along with A1, considering the period of incarceration undergone by the petitioner from 01.09.2024, and the petitioner has no previous cases, pending against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain



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conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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, Paramathy, and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

29.10.2024

drl

To

- 1.The Judicial Magistrate,
Paramathy.
- 2.The Inspector of Police,
Velur Police Station,
Namakkal District.
- 3.The Superintendent,
Central Jail (Women), Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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