



Crl.O.P.No.28757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28757 of 2023

1.Thenmozhi
2.Vetriselvi

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Jayamkondan Police Station,
Ariyalur District.
Crime No.527 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.527 of 2023 on the file
of the respondent.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 05.11.2023, for the offence originally registered under Section



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174(3) Cr.P.C and subsequently, altered to Sections 312, 314, 315, 304(1) r/w 109 of IPC, in Crime No.527 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the daughter of the defacto complainant had married one Veeramani in the year 2017 and they had two children. The daughter of the defacto complainant again conceived and thereafter, she and her husband took a decision to abort the child and they went to the accused person who had given treatment and subsequently both the daughter and the child in the womb died.

3. The petitioners have been in custody from 05.11.2023 and the investigation has progressed to a substantial extent.

4. Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 No.I, Jayamkondan and on further conditions that:-



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

04.01.2024

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To

1.The Judicial Magistrate No.I, Jayamkondan.

2.The Inspector of Police,
Jayamkondan Police Station,
Ariyalur District.



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C.V.KARTHIKEYAN, J.

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3.The Central Prison, Trichy.

4. The Public Prosecutor, High Court of Madras.

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