



CRL OP(MD). No.11136 of 2024

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

Date : 23/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11136 of 2024

Jeyalakshmi @ Dhanalakshmi,

... Petitioner/ Accused No. 2

Vs

The Inspector of Police,
Karimedu Police Station, Madurai
District. Crime No. 198/2024.

... Respondent/ Complainant

For Petitioner : M/s.Kumaran K,
Advocate.

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

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

PRAYER :-

C-6B. For Bail in Crime No. 198 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 17.05.2024 for the offences punishable under Section 302 IPC in crime No.198 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that through the illicit relationship A1 had delivered a female baby and in order to conceal the same, she and her mother, who is the petitioner herein, had put the just born baby in the drainage. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 17.05.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is the mother of A1 and the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is



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ordered to be released on bail, on 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 No.V, Madurai and on further conditions that;

(i) 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;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/07/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. Judicail Magistrate No.V, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent,
Women Prison (Central Prison) Campus,
Madurai.
4. The Inspector of Police,
Karimedu Police Station, Madurai
District. Crime No. 198/2024.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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WEB-GOV +1CC to M/s.K.Kumaran, Advocate (SR-8455[I], dated 24/07/2024

ORDER
IN
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Date : 23/07/2024

SL(24.07.2024)/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.