



Crl.O.P.No.6782 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6782 of 2025

1. Kalidhasan
2. Swetha

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
B2 Vishnu Kanchi Police Station,
Kancheepuram.
(Crime No.05 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.05 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.Jagan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 12.01.2025, seeking bail in Crime No.05 of 2025 registered for the offence under Sections Women Missing @ 103(1), 238 of BNS [Section 302, 201 of IPC].



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2. The case of the prosecution is that A1 had illicit affair with one Bharath pandi; that thereafter, she became pregnant and delivered a male child; that defacto complainant had given a complaint stating that, on 10.01.2025, she went to have some tea leaving A1 and the child and on her return, she found that, A1 and the child went missing; that during the investigation, it was revealed that A1 along with the defacto complainant(her mother) and subsequently arrayed as A2 and the petitioners namely A3 & A4 conspired together and caused the death of the new born child by throwing the child in the well. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners have nothing to do with the illegal intimacy of A1 with Bharath Pandi and in any case, the petitioners are in custody from 12.01.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that A3 and the petitioners assisted A1 in throwing the newborn into the well.



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5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering, the nature of allegation against the petitioners, the period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate -I, Kancheepuram** and on further conditions that:

[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;



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[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 269 B.N.S.

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To

1. Judicial Magistrate -I, Kancheepuram.
2. The Inspector of Police,
B2 Vishnu Kanchi Police Station,
Kancheepuram.
3. The Superintendent,
Women Prison, Spl. Vellore
4. The Superintendent,
Central Prison, Vellore.
5. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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