



Crl.O.P.No.8677 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8677 of 2025

Divya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G3, Kilpauk Police Station,
Chennai.
(Crime No.304 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.304 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Kartik

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.12.2024, seeking bail in Crime No.304 of 2024 registered for the offence under Sections 103(1) and 109(1) of the BNS,2023.



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2. The case of the prosecution is that there was a matrimonial dispute between the petitioner and her husband, due to which she got separated and living with her children; that due to depression she murdered her child aged 1½ years and also caused injuries to her 4 year old son and also attempted to commit suicide. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the due to depression, petitioner's mental health was not stable and she suffers from major depressive disorder; that the petitioner is in custody from 26.12.2024 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the fact that the the petitioner suffers from major depressive disorder and he has also produced the Psychiatrist's report.

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



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

7. Accordingly, the petitioner is ordered to be released on bail on is 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 **II Metropolitan Magistrate Court, Egmore** 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] 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]***;

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

24.03.2025

Sma

To

1. II Metropolitan Magistrate Court,
Egmore.
2. The Inspector of Police,
G3, Kilpauk Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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