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H.C.P.No.2486 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 27.11.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**AND**

**THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN**

**H.C.P.No.2486 of 2025**

A.Bharathi

... Petitioner

Vs.

- 1.The Commissioner of Police,  
O/o. The Commissioner of Police,  
Veppery, Chennai – 600 007.
- 2.The Deputy Commissioner of Police,  
O/O.Deputy Commissioner of Police,  
Adayar, Chennai – 600 020.
- 3.The Assistant Commissioner of Police,  
O/o.Assistant Commissioner of Police,  
Neelankarai, Chennai – 600 041.
- 4.The Inspector of Police,  
All Women Police Station,

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Thiruvannamiyur, Chennai – 600 041.

5.Arun

6.Saraswathi

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the 4<sup>th</sup> respondent to produce the petitioner's minor child A.Kaviyasri born on 22.04.2025 aged about 6 months before this Court from the custody of the 5<sup>th</sup> respondent and hand over to the petitioner.

For Petitioner : Mr.R.Baskar

For R1 to R4 : Mr.A.Damodaran  
Additional Public Prosecutor  
assisted by Mr.K.Karthikeyan

### **ORDER**

(Order of the Court was made by **N. SATHISH KUMAR, J.**)



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This Habeas Corpus Petition has been filed to produce the petitioner's

minor child A.Kaviyasri born on 22.04.2025, aged about 6 months, before this Court from the custody of the 5<sup>th</sup> respondent and hand over to the petitioner.

2.The 5<sup>th</sup> respondent is the husband of the petitioner. It is the case of the petitioner that she delivered twin female infants. One child was underweight and the other child was normal. After delivery, the respondents 5 and 6 took the petitioner and her children forcibly to the matrimonial home. The child born underweight went missing, and on searching, it was found dead with multiple injuries. Therefore, according to the petitioner, a false case was foisted against her for alleged murder of the child. Now, the petitioner has been released on bail on 26.06.2025. Hence, she seeks production of the other child from the custody of the 5<sup>th</sup> respondent.



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3. Whereas, the learned Additional Public Prosecutor would submit

that the petitioner was arrested for murder of one child and now, she has been released on bail. The other child is now with her father/5th respondent. After getting released on bail, the petitioner is seeking custody of the other child.

4. The petitioner is facing a charge of murder of her own child. Now, after getting released on bail, she is seeking custody of her another child. Admittedly, the other child is now in the custody of her father, who is her natural guardian. Hence, we are of the view that the child is not in illegal detention. If at all the petitioner wants to have permanent custody, it is for her to work out her remedy before the appropriate forum.

5. Since the child is not in illegal detention, this Habeas Corpus Petition is dismissed.



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(N.S.K., J.) (M.J.R., J.)

27.11.2025

Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes / No

To

- 1.The Commissioner of Police,  
O/o. The Commissioner of Police,  
Veppery, Chennai – 600 007.
- 2.The Deputy Commissioner of Police,  
O/O.Deputy Commissioner of Police,  
Adayar, Chennai – 600 020.
- 3.The Assistant Commissioner of Police,  
O/o.Assistant Commissioner of Police,  
Neelankarai, Chennai – 600 041.
- 4.The Inspector of Police,  
All Women Police Station,  
Thiruvanmiyur, Chennai – 600 041.
- 5.The Public Prosecutor,  
High Court, Madras.

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**and**  
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