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CrI.O.P.No.35573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.35573 of 2025

Ayisha Begam

... Petitioner

Vs.

The State rep. by its
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
(Crime No.315 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023 to enlarge the petitioner on bail in connection with Crime No.315 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Rajavel

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.11.2025 for the alleged offences punishable under Sections 194(1) of BNSS, 2023 and subsequently FIR has been altered to Sections 91, 94, 238(b) of BNS in Crime No.315 of 2025, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner was pregnant and she suppressed the same from her parents. On 11.11.2025, she delivered a baby at her home and she killed the new born baby and threw it in behind a dilapidated building. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the respondent police have registered a false case against the petitioner. He submitted that initially the case was registered under Section 194(1) of BNSS and subsequently altered into Sections 91, 94, 238(b) of BNS and that the petitioner was arrested and remanded to judicial custody on 20.11.2025. He further submitted that the petitioner has not committed the offence and based on the complaint of the Village Administrative Officer of the concerned Village, the case has been registered against the petitioner. The learned counsel, therefore prayed for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioner gave birth to a child, without the knowledge of her parents and thereby, she killed the new born baby and



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threw it behind a dilapidated building and thereby, the concerned Village Administrative Officer lodged a complaint. He submitted that initially, FIR was registered under Section 194(1) of BNSS and on investigation, as they found that the petitioner got pregnant and that was not revealed to her parents and thereafter, she killed the new born baby and threw it in the said place of occurrence, the Sections were altered into Sections 91, 94, 238(b) of BNS. He further submitted that the investigation is pending in this case and he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offences and that the material part of the investigation was already over and there is no previous case pending against the petitioner and also considering that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with

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two sureties, each for a like sum to the satisfaction of **the District Munsif**

Cum Judicial Magistrate Court, Sendurai and Ariyalur District, and on further conditions that:-

[b] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m., until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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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[g] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 BNS.

30.12.2025

Anu

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The District Munsif Cum Judicial Magistrate Court,
Sendurai and Ariyalur District

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

3.The Superintendent,
Sub Jail, Trichy

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

Anu

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