



CRL OP(MD). No.9324 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.9324 of 2025

V.Silambarasan,
S/o.Vellaisamy

...Petitioner / Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Pannaiyapatti Police Station,
Pudukkottai District.
(Crime No.37 of 2025)

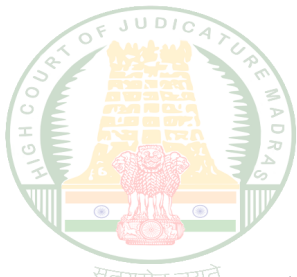
... Respondent / Complainant

For Petitioner : Mr.N.Kamesh,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.37 of 2025 on the file of the respondent police.



CRL OP(MD). No.9324 of 2025

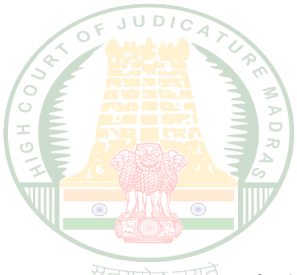
ORDER : The Court made the following order :-

WEB COPY

The petitioner / accused, who was arrested and remanded to judicial custody on 20.05.2025 for the offences under Sections 49 and 91 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.37 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 gave birth to a baby girl on 17.05.2025. It is alleged that after the birth, A1 along with the petitioner abetted the burial of the newborn baby girl, who was later rescued safely by the respondent police. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that A1 and the petitioner were in a romantic relationship during their college days. However, their respective families did not approve of their relationship. Subsequently, A1 and A2 got married in a temple in the presence of their friends and began living together in a friend's house. Later, their families traced them and forcefully separated them, citing differences in community background. On



CRL OP(MD). No.9324 of 2025

वेदमयं जयते
WEB COPY

the date of the occurrence, A1, who was eight months pregnant, gave birth to a baby girl at her house. As she was in an unconscious state after delivery, it is the relatives of A1 who attempted to bury the baby. However, the neighbours noticed this and informed the Village Assistant, who in turn reported the matter to the defacto complainant, the Village Administrative Officer (VAO). The baby was rescued, admitted in the hospital for treatment, and later sent to a child welfare home. The alleged incident occurred without their knowledge or intent, and it is submitted that the respondent, without conducting a proper enquiry, has remanded A1 and A2. He would further submit that, at present, A1 and A2 undertake to take custody of their child and reside together as husband and wife at Trichy. He would further submit that the petitioner is in custody from 20.05.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are two accused persons in this case, and the petitioner has been arrayed as A2. He would further submit that A1 along with A2, abetted the burial of the newborn baby girl, who was subsequently rescued safely by the respondent police. He would further submit that there are no previous cases against the petitioner. He, however, would submit that though the material part of the investigation has been completed, at this stage, if bail is granted to the petitioner, he will abscond and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.



CRL OP(MD). No.9324 of 2025

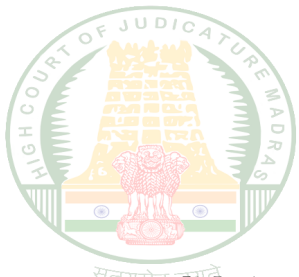
WEB COPY

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner and taking into consideration the period of incarceration and also taking note the undertaking given by both the petitioner and A1, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of learned District Munsif cum Judicial Magistrate, Thirumayam, 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.



CRL OP(MD). No.9324 of 2025

WEB COPY

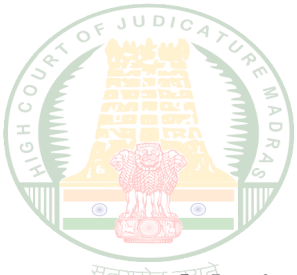
[b] the petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Thirumayam. If the petitioner changes his residential address, he shall report the same to the learned District Munsif cum Judicial Magistrate, Thirumayam.

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]*.



CRL OP(MD). No.9324 of 2025

WEB COPY

[g] If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-

16/06/2025

/ TRUE COPY /

16/06/2025

Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUMAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PANNAIYAPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUMAYAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6/7



WEB COPY



CRL OP(MD). No.9324 of 2025

ORDER

IN

CRL OP(MD) No.9324 of 2025

Date :16/06/2025

SS/SAR- /16/06/2025/ 7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023