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CRL OP No. 14609 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 14609 of 2026

Anitha

..Petitioner(s)

Vs

The State represented by,
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
Cr.No.337/2025

..Respondent(s)

Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the Petitioner on bail pending investigation in Crime No.337 of 2025 on the file of the Respondent Police and thus render justice.

For Petitioner(s): Mr.J.Pradeep

For Respondent(s): Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.03.2026 for the alleged offence punishable under Section 103 of the Bharatiya Nyaya Sanhita, 2023, in Crime No. 337 of 2025 (originally registered under Section 194 of the Bharatiya Nagarik Suraksha Sanhita, 2023) on the file



of the respondent police, seeks bail in this second bail application.

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2. The case of the prosecution is that the defacto complainant is the Village Administrative Officer (VAO) of Sitheri Village. On 24.07.2025, while on duty, he was informed by the Doctor of the Primary Health Centre about the death of a 7-month-old female baby of the accused. The VAO proceeded to the occurrence place and conducted an inquiry. It initially appeared that while grazing a cow, the child held by the accused accidentally fell into a well and died. However, subsequent inquiry revealed that the petitioner, due to frustration stemming from hypogalactia, had intentionally thrown her own 7-month-old child into the well, causing her death. Consequently, the case was later altered to the present section of law. Pursuant to the investigation, the petitioner was arrested and remanded in judicial custody. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is innocent and that she is the biological mother of the deceased infant. He further submits that the petitioner was suffering from severe postpartum mental distress and medical complications, including the inability to lactate properly, which led to immense psychological frustration. He contends that the petitioner has been in continuous incarceration since 16.03.2026, and as a major portion of the investigation has already been completed, she may be enlarged on bail.



4. The learned Government Counsel (Criminal Side) appearing for the respondent police opposes the grant of bail to the petitioner. He submits that this is a serious offence involving the killing of a 7-month-old infant by throwing her into a well. He further contends that the alteration of sections was based on clear evidence gathered during the subsequent inquiry, and since the investigation is vital, the petitioner should not be released at this stage.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the totality of the facts and circumstances of the case, and taking note of the unique medical and psychological circumstances involving the mother's inability to lactate and the resulting frustration, and further considering that the petitioner has been in continuous incarceration since 16.03.2026 and a major portion of the investigation has already been completed, this Court is inclined to allow this second bail application.

7. Accordingly, the petitioner is ordered to be released on bail on their 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 the Judicial Magistrate, Harur and subject to the following conditions:

[a] the sureties shall affix their photographs and Left



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Thumb Impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before respondent Police daily at 10:30 a.m., for a period of one month;

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

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

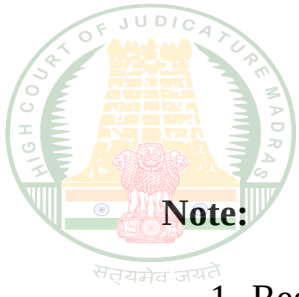
[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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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 Judicial Magistrate, Harur.
- 2.The Superintendent, Central Jail, Salem.
- 3.The Inspector of Police, Harur Police Station, Dharmapuri District.
- 4.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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