

(2025) 11 MAD CK 1922

In the Madras High Court

Case No : Criminal Original Petition No. 30381 Of 2025

Kiruthiga

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 10-11-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 94, 194, 194(1), 239, 269, 301
Juvenile Justice Act, 2015 — Section 80, 81

Citation : (2025) 11 MAD CK 1922

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : S.Abhinaya Shree, A.Parthasarathy, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 19.09.2025, for the alleged offence punishable under Sections 194 @ 194(1) of BNS, @ Sections 80 and 81 of the Juvenile Justice Act, 2015 and Sections 94, 239, 301 read with Section 3(5) of BNS, in Crime No.183 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against this petitioner, this petitioner is a tenant of A1 and A3, a child-less couple. They decided to get a child, by illegal means and illegally adopt child by colluding with other accused, from Maharashtra. Accordingly, A3 and the other accused, who are relatives of the petitioner, travelled to Maharashtra, brought the child to Coimbatore. The child was found to be affected with pneumonia and the petitioner failed to take the child to a Doctor despite advice. Later the child died of illness. The petitioner and the others allegedly disposed of the body by placing it on a railway track, where a train ran over. A complaint was filed with the railway police and a case was registered. Hence this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would

further submit that the petitioner was arrested and she is in judicial custody from 19.09.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that totally 8 accused in this case, from the biological father the persons who have assisting the A1 and A3 for buying the child, and all were arrested, investigation is pending, and he opposed for grant of bail to the petitioner.

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

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner, that the petitioner being a lady and she is in custody from 19.09.2025, all accused were arrested, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Coimbatore, 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 daily at 10.30 a.m., for a period of two weeks;

[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 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.