

(2024) 02 KL CK 0126
In the High Court Of Kerala
Case No : Bail Application No. 659 Of 2024

Mini		APPELLANT
	Vs	
State Of Kerala		RESPONDENT

Date of Decision : 14-02-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 302

Citation : (2024) 02 KL CK 0126

Hon'ble Judges : Sophy Thomas, J

Bench : Single Bench

Advocate : Latheesh Sebastian, Renjit George

Final Decision : Dismissed

Judgement

Sophy Thomas, J

1. This is an application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 filed by the sole accused in Crime No.1783/2023 of Chirayinkeezhu Police Station, Thiruvananthapuram registered under Section 302 of IPC.
2. The prosecution allegation is that, on 19/12/2023 the petitioner killed her daughter aged 8 years, who was suffering from down syndrome, by throwing her into a well, after smothering her.
3. Heard learned counsel for the petitioner and learned Public Prosecutor.
4. Learned Public Prosecutor opposed the bail application stating that, the petitioner smothered the child, who was suffering from down syndrome, and thereafter threw her into a well.
5. Learned counsel for the petitioner would submit that, the petitioner was suffering from depression, as her child was suffering from down syndrome, and her husband was suffering from cancer. It is submitted that, the petitioner is

admitted to Mental Health Centre, Oolampara for treating her mental depression.

6. On instructions, learned Public Prosecutor obtained a report from Mental Health Centre, Peroorkkada, Thiruvananthapuram through the investigating officer, and it was produced. That report shows that, the petitioner was diagnosed with moderate depression, and now she is symptomatically better but need continued medication, psychotherapy and follow-up. The Superintendent of Mental Health Centre has reported that, now the petitioner is fit to stand trial.

7. Considering these aspects and considering the fact that, the husband of the petitioner, who is suffering from cancer is in need of her care and attention, this court is inclined to release her on bail, but on condition that, the sureties shall be her close relatives.

In the result, this petition is allowed on the following terms:-

(i) The petitioner shall be released on bail on executing bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties (the sureties shall be her close relatives) each for the like sum to the satisfaction of the trial court.

(ii) The petitioner shall appear before the Investigating Officer on the first Saturday of every month, starting from 2/3/2024 for a period of three months, or till the final report is filed, whichever is earlier.

(iii) The petitioner shall not influence or intimidate the witnesses or tamper with the evidence;

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of the bail conditions, the trial court is empowered to cancel the bail in accordance with law.