
(2022) 11 KL CK 0008
In the High Court Of Kerala
Case No : Bail Application No. 8421 Of 2022

Sujitha

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 01-11-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 302, 318

Citation : (2022) 11 KL CK 0008

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : R.Padmakumari, Paul Varghese Srambical, P.Narayanan, S.Sajju

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application seeking regular bail filed under section 439 of the Code of Criminal Procedure, 1973.
2. Petitioner is the accused in Crime No.654/2022 of Karimannoor Police Station, Idukki alleging offences punishable under Sections 318 and 302 of the Indian Penal Code, 1860.
3. According to the prosecution, the accused concealed her pregnancy from her husband and on 10.08.2022 gave birth to a child and concealed that fact also from her husband and murdered the child by keeping the child in a jar in a bathroom and thereby committed the offences alleged.
4. Smt.R.Padmakumari, the learned counsel for the petitioner contended that the prosecution allegations are false and the incident as alleged had not occurred. It was further submitted that the petitioner was arrested on 16.08.2022 and that the final report has already been filed. The learned counsel further submitted that petitioner is willing to abide by any condition and considering the young age

of the petitioner as well as the two young children, petitioner ought to be released on bail.

5. Sri.S.Sajju, the learned Public Prosecutor opposed the grant of bail and contended that the allegations are serious and that petitioner after concealing the birth caused the death of the child by immersing him in a bottle and thereby committed a heinous crime. It was further submitted that reckoning the gravity of the offence, petitioner ought not to be released on bail. It was also submitted that the final report was filed on 27.10.2022.

6. I have considered the rival contentions. Petitioner is alleged to have committed a serious crime by concealing the birth of the child and causing his death. However taking note of the two young children aged 6 and 4 years who needs the maternal affection and also the petitioner's young age, apart from the filing of the final report, I am of the view that the continued detention of the petitioner would not serve any purpose. Though the offences alleged are serious in nature, petitioner is directed to be released on bail on the conditions.

7. In the result, this application is allowed on the following conditions:-

(a) Petitioner shall be released on bail on her executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall co-operate with the trial of the case.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall she attempt to tamper with the evidence.

(d) Petitioner shall not commit any offence while she is on bail.

(e) Petitioner shall not leave the country without the permission of the jurisdictional Court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.