



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

TUESDAY, THE 13TH DAY OF FEBRUARY 2024 / 24TH MAGHA, 1945

BAIL APPL. NO. 594 OF 2024

CRIME NO.1203/2023 OF Chittur Police Station, Palakkad

PETITIONER/ACCUSED:



BY ADVS.
S.K.ADHITHYAN
REUBEN CHARLY

RESPONDENT/STATE:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN -
682031
- 2 THE CHILD WELFARE COMMITTEE, PALAKKAD
IS SUO MOTU IMPLEADED AS ADDITIONAL RESPONDENT 2 VIDE ORDER DTD 1-
2-24 .

OTHER PRESENT:

SR.PP-SRI.VIPIN NARAYANAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13.02.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



SOPHY THOMAS, J.

=====

B.A. No. 594 of 2024

=====

ORDER

Dated this the 13th day of February, 2024

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed by the sole accused in Crime No.1203 of 2023 of Chittur Police Station, Palakkad, registered under Section 307 of the Indian Penal Code.

2. The prosecution allegation is that, on 27.12.2023 at about 12.45 pm, the petitioner, attempted to kill her 14-day-old baby, by putting it in a bucket filled with water.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. Learned Public Prosecutor vehemently opposed the bail application



5. Learned counsel for the petitioner would submit that, the petitioner suffered some mental strain in connection with her delivery, and she is unaware of any incident as alleged by the prosecution. Now she is undergoing psychiatric treatment at Medical College Hospital, Thrissur. Now the baby is taken care of by the de facto complainant/father and his family members.

6. On finding that the welfare and well-being of the little baby is at stake, the Child Welfare Committee, Palakkad was suo motu impleaded as additional 2nd respondent, and a report was called for from the Child Welfare Committee, Palakkad. The Child Welfare Committee, Palakkad placed a report, stating that the petitioner/mother is still undergoing treatment, and it may not be safe to entrust the custody of the child with her, at present. The de facto complainant/father and his relatives are ready to take care of the baby. So, the custody of the child shall continue with the de facto complainant/father for the time being, as the petitioner/mother is undergoing inpatient treatment at Medical College Hospital, Thrissur. But, Child Welfare Committee,



Palakkad has to enquire about the welfare of the baby periodically, and submit report before the jurisdictional court once in two months.

7. In the result, the bail application is allowed on the following terms:-

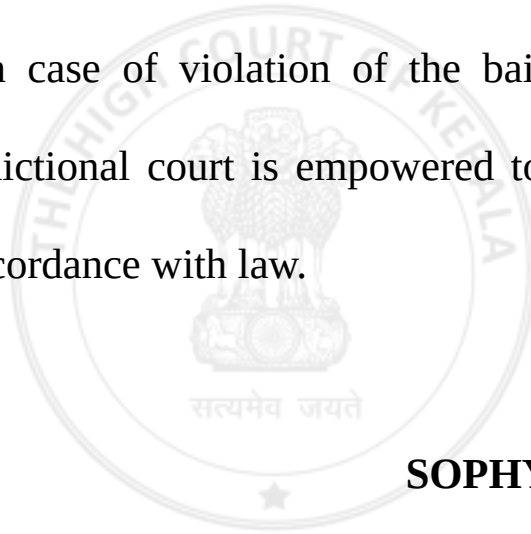
- i. In the event of arrest, petitioner shall be released on bail on executing bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer;
- ii. Petitioner shall not influence or intimidate the witnesses or shall not tamper with the investigation.
- iii. The custody of the child will be with the de facto complainant/father and his relatives for the time being.
- iv. Child Welfare Committee, Palakkad has to supervise the welfare of the child while in the custody of the de facto complainant/father and his relatives



and shall file periodic report to the jurisdictional court, once in two months;

v. Petitioner shall not commit any offence while on bail.

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



Sd/-

SOPHY THOMAS

JUDGE

RMV