

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 20TH DAY OF JANUARY 2022 / 30TH POU SHA, 1943

BAIL APPL. NO. 274 OF 2022

Crime No.1761/2021 of Kanjirapally Police Station

PETITIONER/ACCUSED:

NISHA SURESH

BY ADV SIJO PATHAPARAMBIL JOSEPH

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

ADV NOUSHAD K.A (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.1761/2021 of Kanjirapally Police Station, Kottayam District alleging commission of offence under Section 302 read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioner is that she along with her elder child who aged only 15 caused death of her new born baby who was her 6th child by dropping the baby in a bucket of water.

3. The learned counsel for the petitioner submits that the allegations are totally false and that the death of the baby occurred on account of an accident. It is submitted that the petitioner is suffering from multiple handicaps and is bedridden for the last 10 years. It is submitted that she had requested her elder child who is aged 15 years to bathe the new born baby and owing to the inexperience of her daughter, the new born baby accidentally died while it was being bathed. It is submitted that this is clear from the fact that the petitioner did not made any attempt whatsoever to conceal the body of the baby in any manner.

4. I have heard the learned Public Prosecutor also. The learned Public Prosecutor submits that as per the statements recorded from the neighbours and other people in the locality, the petitioner had hidden the fact of her pregnancy to everyone as she was ashamed that she was pregnant with her 6th child. It is submitted that the new born baby was apparently an

unwanted child and the child was killed purposefully at the instance of the petitioner. It is submitted that grant of bail to such a person may not be conducive as the safety of other children has also to be ensured.

5. Having regard to the facts and circumstances of the case and considering the fact that the petitioner is stated to be suffering from multiple disability and the fact that she has been in custody from 10-12-2021 and considering the fact that her continued detention may not be necessary for the purpose of any investigation, I am opinion that the petitioner can be granted bail subject to conditions.

In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;
- (ii) The Petitioner shall report before the Investigating officer in Crime No.1761/2021 of Kanjirapally Police Station as and when summoned to do;
- (iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.1761/2021 of Kanjirapally Police Station;
- (iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.1761/2021 of Kanjirapally Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/-
GOPINATH P.
JUDGE

AMG