



Crl.O.P.No.15569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 21.07.2023	Orders pronounced on 26.07.2023
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CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.15569 of 2023

D.Meenakshi

... Petitioner

Vs.

The State by
The Inspector
V-1, Villivakkam Police Station
Chennai – 600 049.

... Respondent

Criminal Original Petition is filed under Section 439 Cr.P.C. praying to enlarge the petitioner/accused on bail, concerned in V-1, Crime No.184 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Rajendran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed for enlarging the petitioner/accused on bail, concerned in Crime No.184 of 2023 on the file of respondent police.



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Learned counsel for the petitioner submitted that the petitioner is an innocent and in noway connected with the offences, but a case was registered in Crime No.184 of 2023 for the offences under Sections 294(b), 323, 506(1) IPC read with Section 75, 82(i) and (ii) and 85 of Juvenile Justice Act, 2015 and she is in judicial custody from 21.06.2023. It is his further submission that petitioner is wrongly portrayed as an inhuman person for the alleged beating of the child. The reality is that the petitioner had not actually beaten the child. But she had only tapped the child on his back for the reason that he bite one of the intern students, who came for training. Just to correct the child, she gave a pat on him. She is in judicial custody from 21.06.2023. Thus, he seeks bail.

3. In response, learned Government Advocate (Crl. Side) seriously opposed this petition on the ground that the defacto complainant's son is an hyperactive child with speech delay problem. He was admitted in “My Paati Veedu”, a play school run by the petitioner. His son had terrified nights for the past some days. Then, defacto complainant was informed by the intern student that his son was beaten in the school badly and his food was thrown



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in the dustbin. When the defacto complainant approached the petitioner/incharge of the school and enquired about the treatment meted out to his son, she treated him rudely, claiming herself as a big rowdy and she is a friend of big political leader and that she would kill him. Learned Government Advocate (Crl. Side) also submitted the videos showing the harsh treatment meted to the child by the petitioner.

4. Considered the rival submissions and perused the records.

5. Truly the allegations made in the First Information Report are disturbing. More so, the video footage shown to me. From the video footage, it is seen that the petitioner had not given just a tapping or patting, but she had given repeated beatings on the hyperactive child, who had speech delay problem. Surely petitioner's conduct cannot be appreciated and approved. When parents of hyperactive child or child with some physical or mental disability are entrusted with the custody of the child to the petitioner for taking care of them, educating them, petitioner and staff working there should treat the child with utmost care, patience, love and affection, which is shown by a Patti (Grandmother) to justify the name selection. They cannot



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be expected to use physical violence against the children, who lack in intelligence and understanding. Recording this sentiment, this Court also finds that the petitioner is in judicial custody from 21.06.2023 and by this time, she would have realised that her act is not approved by law. Therefore, this Court is of the view that she could be released on bail with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties** each for a like sum to the satisfaction of the learned XIII Metropolitan Magistrate, Egmore, 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] petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] petitioner shall not abscond either during investigation or trial.



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[d] petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above conditions, this Criminal Original Petition is allowed.

mra

26.07.2023

Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order



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To
WEB COPY

1. The Principal Sessions Judge
Chennai.
2. The XIII Metropolitan Magistrate,
Egmore.
3. The Inspector
V-1, Villivakkam Police Station
Chennai – 600 049.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.CHANDRASEKHARAN,J.

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order in
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