



Crl.O.P.No.4952 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/accused who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 343, 324 of IPC @ 343, 324 of IPC r/w 75 of JJ Act.

2. This Court by an order dated 18.03.2024 in Crl.O.P.No.4952 of 2024 had issued a direction to the Principal District Judge, Vellore/the President, District Legal Services Authority to enquire into the allegations made in this petition.

3. It is the case of the prosecution that the petitioner herein had caused a burnt injury on the leg of a minor child and the child had complained to the Children Welfare Committee who had lodged a complaint and FIR had been registered.

4. The learned Principal District Judge, Vellore had forwarded a report, wherein he had related the circumstances under which the child was handed over to the custody of the petitioner herein and had also given plausible reasons for her to get agitated so badly to cause some injury on the child.



CrI.O.P.No.4952 of 2024

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5. It is also stated that the injury had been completely healed and the child is now safe at M.D.M. Children Home and Shelter at Sathumadurai at Vellore.

6. The learned Principal District Judge, Vellore also deputed the Judicial Magistrate No.1, Vellore, who is the Principal Magistrate of the Juvenile Justice Board to visit the said place and to interact with the child. A report had been forwarded by the learned Judicial Magistrate No.1, Vellore, wherein he had stated that the wound has been completely healed and the child prefers to stay in the home. It must be mentioned that the mother of the child has not expressed interest in keeping the child.

7. However, taking all the other factors into consideration and that there are two cases which are in similar nature as against the petitioner herein this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.IV, Vellore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer



CrI.O.P.No.4952 of 2024

who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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] the petitioner shall report before the respondent police once a week i.e., Monday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

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

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

[e] 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]**.

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



CrI.O.P.No.4952 of 2024

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8.This Court places its deep appreciation for the efforts taken by Dr.P.Murugan, Principal District Judge, Vellore, in finding out the actual facts and forwarding a report to this Court. This Court must also place appreciation for Mr.G.Sathia Kumar, Principal Magistrate of Juvenile Justice Board/Judicial Magistrate No.I, Vellore for taking the effort to visit the home and forward a report.

27.03.2024

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Note to Registry:

Mark a copy to the Principal District Judge, Vellore.



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Crl.O.P.No.4952 of 2024

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