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Crl O.P.No.6379 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 6379 of 2025

1. S.Giridharan
2. Sowmiya

Petitioners/A1 & A2

Vs

The State Rep by,
The Inspector of Police,
Attur Town Police Station,
Salem, Tamil Nadu.
(Crime No.44 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on
anticipatory bail in the event of arrest in Crime No. 44 of 2025 pending
on the file of the respondent police.

For Petitioners:

Mr.Arun Kumar A

For Respondent:

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 118(1) and
49 of BNS and under Sections 75 and 89 of the Juvenile Justice (Care
and Protection of Children) Act in Crime No.44 of 2025, on the file of
the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the second petitioner is the wife of the de facto complainant; that the second petitioner and the de facto complainant had matrimonial differences and hence, the second petitioner was living in the house of the first petitioner, who is her brother, along with her minor son, aged 3 years; that when the de facto complainant went to visit the child, he found that the child had suffered burn injuries; that the de facto complainant took him to the hospital and the child told the de facto complainant that the first petitioner had caused burn injuries.

3. The learned counsel for the petitioners submitted that the first petitioner was arrested and insofar as the first petitioner is concerned, the Petition has become infructuous. As regards the second petitioner, he submitted that she has nothing to do with the alleged occurrence and in any case, she is the mother of the child and that she is equally interested in the welfare of the child and sought for anticipatory bail.

4. The learned counsel for the de facto complainant vehemently opposed for grant of anticipatory bail to the second



petitioner.

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5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction, submitted that the first petitioner was arrested pursuant to the directions of the Hon'ble Division Bench in the HCP filed by the second petitioner seeking custody.

6. As far as the first petitioner is concerned, as he was arrested, this petition has become infructuous and hence, dismissed as infructuous. As regards the second petitioner, considering the nature of allegations and since the allegations are primarily against the first petitioner; the fact that the second petitioner is the mother of the minor child, this Court is of the view that custodial interrogation of the second petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the second petitioner, subject to the following conditions.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



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learned Judicial Magistrate Court, Attur, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the second 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 second petitioner shall report before the respondent police as and when required.

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

[d] the second 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



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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 269 of B.N.S.

20.03.2025

vca

To:

1. The Inspector of Police,
Attur Town Police Station,
Salem, Tamil Nadu.
2. The Judicial Magistrate Court, Attur.
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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