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Crl.M.P.No.23835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2025

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL OP No.23835 of 2025

Tamilarasan

... Petitioner

Vs

State Rep. by
The Inspector of Police,
Annadanapatty Police Station,
Salem City,
Salem District.
(Crime No.32 of 2025)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in S.C.No.180 of 2025 on the file of II Additional District Judge, Salem.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2025, for the alleged offence under Sections 238, 240, 109 (1) of BNS and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.32 of 2025, registered on the file of the respondent, seeks bail.



2.The case of the prosecution is that during the course of investigation, it was

revealed that the defacto-complainant, Shanmuga Priya/A2 was maintaining an illicit relationship with her former lover, Tamilarasan/A1, who frequently visited her residence. On the date and time of the occurrence, while A1 Tamilarasan was present in the house with the defacto-complainant, the minor child Maran began to weep. Enraged by this, Tamilarasan/A1 allegedly assaulted the child by thrashing him against the wall, as a result of which the child fell onto the pial and succumbed to the injuries and later died. Thereafter, both A1 and A2 suppressed the true facts of the incident and lodged a false complaint. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in this case. The petitioner is in judicial custody from 24.01.2025 and hence further custody of the petitioner is not required. He further submits that the petitioner is willing to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Criminal side) submits that Shanmuga Priya/A2 was married to one Pasupathy, and they had two sons, namely Vetrivel and Maran (deceased). However, A2 continued her illicit relationship with A1. On the date and time of the occurrence, A1 feeling that the deceased child was a hindrance to his intimacy with A2, brutally thrashed the victim boy against the wall heavily. Despite being given treatment at the Government Hospital, Salem, the victim boy succumbed to the injuries and died. The learned Government Advocate further submits that the investigation has been completed and a final report has been filed before the learned Judicial Magistrate IV, Salem which was taken on file in P.R.No.62 of 2025. The case was subsequently committed to learned Additional District Judge-II, Salem in S.C.No.180 of 2025. Hence, strongly opposed for grant of bail to the petitioner.

5.Heard the learned counsels on either side and perused the records.

6.Though it appears that the charge sheet has been filed, considering the nature and gravity of the offence committed against the innocent boy, who was the son of A2, and that the act was done only to satisfy their illicit lust, whereby the child was pushed against the wall and sustained a severe head injury, this



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Court finds that the medical evidence clearly establishes that the child died due to shock and hemorrhage caused by head wound. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

7.The trial Court is directed to dispose of the case as expeditiously as possible.

29.08.2025

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To

- 1.The Inspector of Police,
Annadanapatty Police Station,
Salem City,
Salem District.
- 2.The Public Prosecutor
High Court of Madras.



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N.SATHISH KUMAR, J.

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