



CRL.OP(MD). No.2419 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2419 of 2025

Keerthika

... Petitioner / Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanniyakumari District.
(Crime No.4 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.04 of 2025 on the file of the respondent-police.

For Petitioner : Mr.M.Sankar
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL.OP(MD). No.2419 of 2025

WEB COPY

2. The petitioner / accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 118(1) Bharatiya Nyaya Sanhita, 2023 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and the petitioner are husband and wife. Due to the differences between them they separated. The petitioner along with the daughter born to them, is living in her parental house. The defacto complainant was working in Chennai. The defacto complainant's relatives, while meeting the child in marriage, noticed the burn injuries in the hands of the child. While asking the child, the child stated that her mother set her hands on fire. The relatives informed the defacto complainant on 06.08.2024. He lodged the present case against the petitioners.

4. Mr.S,Sankar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



CRL.OP(MD). No.2419 of 2025

WEB COPY

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the defacto complainant claims that his wife, the petitioner herein has set the child's hands on fire and the investigation of the case is pending. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and with a view to give an opportunity to reform herself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Additional



CRL.OP(MD). No.2419 of 2025

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Mahila Court, Nagercoil, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent – police, weekly twice i.e., on every Monday and Saturday at 10.00 am until further orders;

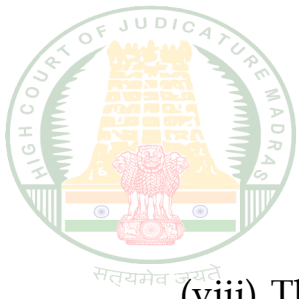
(iv) The petitioner shall make herself available for interrogation by a police officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

vi) The petitioner shall not, directly or in directly, cause any threat to the defacto complainant and the victim child and tamper with the evidence.

(vii) The petitioner shall not leave India without the previous permission of the

Court.



CRL.OP(MD). No.2419 of 2025

WEB COPY

(viii) The petitioner shall not enter into the defacto complainant's house or his work place.

(ix) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
18/02/2025

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/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, NAGERCOIL.



CRL.OP(MD). No.2419 of 2025

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- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
AWPS NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2419 of 2025
Date :18/02/2025

SS/SKN/SAR- /04/03/2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023