



CRL OP(MD). No.2721 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2721 of 2025

Rahumathnisha

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Mandaiyur Police Station,
Pudukkottai District.
(Crime No.2 of 2025)

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.2 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to



CRL OP(MD). No.2721 of 2025

grant bail.

WEB COPY

2. The petitioner/A2 was arrested and remanded to judicial custody on 16.01.2025 for the alleged offences punishable under Section 103(1) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 81 of the Juvenile Justice Act, 2015, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and his wife have two children. Due to matrimonial dispute between them, the defacto complainant's wife went to her parents' house, leaving the children behind without informing anyone when the defacto complainant went to Tiruppur for work. Since the children were crying continuously, the defacto complainant's father took the children and handed them over to the defacto complainant's wife. On 15.01.2025, at about 11:00 a.m., the defacto complainant's daughter's dead body was found floating in a well belonging to the Sanjeevirayar Temple. The defacto complainant's wife is responsible for the death of their daughter. Further, the defacto complainant's wife escaped after handing over their male child to the petitioner herein. Hence the case.

4. Mr.B.Jameelarasu, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent persons and she has not committed any offence as alleged by the prosecution. He further submits that the petitioner has received only



CRL OP(MD). No.2721 of 2025

the male child of the de facto complainant for safe custody, without knowing the real facts, and that the petitioner is in no way connected with the crime. He further submits that the petitioner has been in judicial custody since 16.01.2025. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner herein received the male child of the defacto complainant by illegal sale of the child. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 16.01.2025 and has been in judicial custody. The petitioner has been arrayed as A2 in this case. The only overt act made against the petitioner is that she received the child from A1 and the only allegation against her is that she has committed an offence under Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Considering the fact that the petitioner has been in incarceration since 16.01.2025 and also considering the fact that the petitioner has permanent residence and deep roots in the Society and therefore, there is less possibility of absconding and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner



CRL OP(MD). No.2721 of 2025

subject to the following conditions:

WEB COPY

(i) The petitioner shall execute a bond for 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 learned Judicial Magistrate, Keeranur, Pudukkottai District;

(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, Keeranur, Pudukkottai District shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Keeranur, Pudukkottai District weekly twice i.e., on Monday and Friday at 10.30 a.m., until further orders;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Keeranur, Pudukkottai District is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are



CRL OP(MD). No.2721 of 2025

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/-
13/02/2025

/ TRUE COPY /

13/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

To

- 1.The Judicial Magistrate,
Keeranur, Pudukkottai District.
- 2.Do through the Chief Judicial Magistrate,
Pudukkottai District.
- 3.The Inspector of Police,
Mandaiyur Police Station,
Pudukkottai District.
- 4.The Superintendent,
Central Prison, Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.2721 of 2025

ORDER

IN

CRL OP(MD) No.2721 of 2025

Date :13/02/2025

ED/ /SAR- (13/02/2025) 6P / 6 C

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