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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2894 of 2025

Revanthkumar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
SS Colony Police Station,
Madurai City and District.
(In Crime No. 851 of 2024)

... Respondent/Complainant

For Petitioner : Mr. B.Santhanam Rajesh Kumar
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.851 of 2024 on the file of the respondent-police.



ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 13.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 24.12.2024 for the alleged offences punishable under Sections 296(b), 118(1), 351(3) of BNS and 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.851 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that on 24.12.2024, at 4:30 a.m., the petitioner herein, who is the stepfather of the victim boy, beat him with a plastic pipe, thereby causing injuries, and also threatened him with dire consequences. The same was later reported by one of the neighbours to the District Child Welfare Office, Madurai. Hence, the case.

4. Mr.B.Santhanam Rajesh Kumar, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner merely warned the victim boy, and with the intention of implicating the petitioner, the neighbour reported false allegations to the District Child Welfare Office, Madurai. He further submits that the petitioner has been in judicial custody since 24.12.2024.



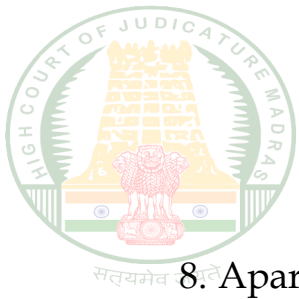
He therefore prays to grant bail to the petitioner.

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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner beat the victim boy with a plastic pipe, causing injuries. He further submits that there is no previous case pending against the petitioner and the investigation of the case is still pending. He further submits that if the petitioner is enlarged on bail, he will cause a threat to the victim and the neighbour who reported the matter to the District Child Welfare Office, Madurai, and may also tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. The petitioner was arrested on 24.12.2024 and is still in judicial custody. On 17.02.2025, this Court, after hearing the parties, directed the District Child Welfare Officer, Madurai to meet the victim boy, his mother and the defacto complainant and get their statement and file a detailed report regarding the alleged incident. However, the Child Welfare Officer did not file a report today. The victim boy appeared before this Court today, and the Court interacted with him. In view of the above, this Court is of the view that further custody of the petitioner is not necessary in this case.



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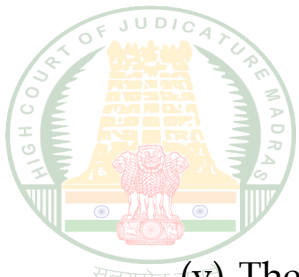
8. Apart from the above, the petitioner has permanent residence and deep roots in the society. Therefore, there is a less possibility of absconding. The petitioner has no previous case. Considering the same and considering the period of incarceration and also considering the fact that the petitioner is none other than stepfather of the victim boy and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(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 No.V, Madurai, Madurai 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 No.V, Madurai, Madurai District shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.



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(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 or tamper with the evidence;

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and the neighbour who reported the matter to the District Child Welfare Office, Madurai and witnesses;

(vii) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(viii) The petitioner shall report and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 am until further orders;

(ix) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.V, Madurai, Madurai District 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].



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

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Sd/-
21/02/2025

21/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
SS COLONY POLICE STATION, MADURAI CITY AND DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT CHILD WELFARE OFFICE, MADURAI.

ORDER IN
CRL OP(MD) No.2894 of 2025
Date :21/02/2025

ES/SAR /21.02.2025/6P/7C

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