



CRL OP(MD). No.3953 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Muruganandhi

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.
Crime No.4 of 2025

... Respondent/ Complainant

For Petitioner : Mr.S.Venkatesh

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.4 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 27.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for



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the offences punishable under Sections 115(2) and 118(1) of Bharatiya Nyaya Sanhita (BNS), 2023, Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on information that the victim child was tortured by her parents, the co-ordinator of District Child Welfare Unit, Virudhunagar District went to Malayadipatti, Rajapalayam and enquired the child in her school in front of her school Teacher. The victim child informed that her mother poured warm water on her hip for not performing household chores and once, her step father removed her dress and made her stand outside. Hence, the case.

4. Mr.S.Venkatesh, learned counsel appearing for the petitioner submits that the petitioner did not commit 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. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner even though being the mother of the victim child aged about 9 years, tortured the victim child along



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with her second husband. He further submits that the victim girl is now under the custody of the Child Welfare Committee, Virudhunagar District. He prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report as well as the statement of the victim girl.

7. It is stated that the child is now under the care and custody of the Child Welfare Committee, Virudhunagar District. Considering the fact that the petitioner is the biological mother of the victim child and with a view to give an opportunity to the petitioner 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 bail in the event of her arrest or in the event of her surrender before the learned Additional Mahila Judge, Srivilliputhur, within a period of 15 days from the 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 learned Additional Mahila Judge, Srivilliputhur;

(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



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identity proofs to ensure their identity;

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

(iv) 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;

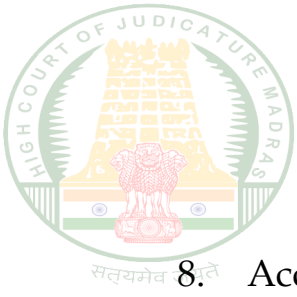
(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 08.00 a.m. until further orders;

(vii) The petitioner shall furnish her residential address and mobile number to the learned Additional Mahila Judge, Srivilliputhur;

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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

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

MBI

TO

1.THE ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTHUR.

2.THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to S.VENKATESH Advocate SR.No.3782 (I)DT.02/04/2025



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ORDER

IN

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Date :01/04/2025

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