



CRL.OP(MD). No.4651 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4651 of 2025

Priyadharshini

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Ayyampaettai Police Station,
Thanjavur District.
(Crime No.78 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.78 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Amarnath,
Advocate

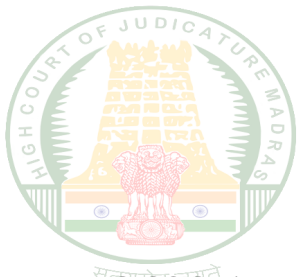
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 482 of the 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

the offences punishable under Sections 239 of BNS, 2023 read with Section 75 of



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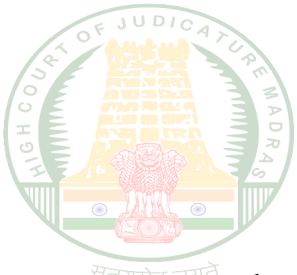
POCSO Act, in Crime No.78 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent-police on 20.01.2025, stating that her minor daughter reported experiencing pain in the uterus area of her body. On enquiry with her daughter, she stated that a boy from her class had attacked her in that area with a stick. Immediately, the incident was brought to the petitioner's attention, who is the teacher in the school. However, the petitioner merely washed the affected area and advised the child not to inform her parents. Therefore, a case was registered against the petitioner.

4. Mr.R.Amarnath, the learned counsel for the petitioner, submits that the petitioner is an innocent person. 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a fight between the children in school. He further submits that the petitioner, who is a teacher in this school without taking action and informing the parents of her student, merely washed the affected area and advised the girl not to inform her



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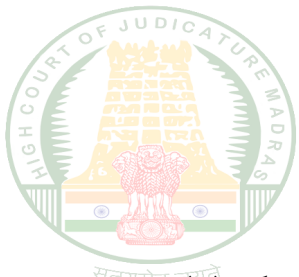
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parents. Therefore, he contends that, if the petitioner is granted pre-arrest bail, she will cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and taking note of the fact that there are no previous cases against the petitioner 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 pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate No.III, Thanjavur, Thanjavur District, 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 Judicial Magistrate No.III, Thanjavur, Thanjavur District.



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(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.III, Thanjavur, Thanjavur District 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 once i.e., on every Sunday at 10.00 a.m. 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 also not, directly or indirectly, cause any threat to the defacto complainant, the victim girl and witnesses and shall not tamper the evidence.

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

(viii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.III, Thanjavur, Thanjavur District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate No.III, Thanjavur, Thanjavur District 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.

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13.03.2025

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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate No.III,
Thanjavur,
Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District Kumbakonam.
- 3.The Inspector of Police,
Ayyampaettai Police Station,
Thanjavur District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.4651 of 2025
13.03.2025

SL(25.03.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.