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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.05.2025

PRESENT

The HONOURABLE MR. JUSTICE M.JOTHIRAMAN

CRL OP(MD)No.8567 of 2025

K.Shanthi @ Santhi ... Petitioner

Vs

The State of Tamil Nadu,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District,
In Crime No.125 of 2025 ... Respondent

For Petitioner : Mr.J.Gavin Silvester
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.125 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 115(2) Bharatiya Nyaya Sanhita, 2023 r/w. Section 75 of Juvenile Justice Act, in Crime No.125 of 2025, on the

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file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving a report on 28.01.2025 from 1098 Child Helpline about 6 years old boy, the defacto complainant who is Empowerment Officer, visited the School and identified the child and found the boy had visible injuries and swelling in his body. On enquiry, it is further revealed that the boy is living with his mother Pushpanjothi, her friend Shanthi and Shanthi's son. The petitioner has admitted that she and her friend had scolded the boy for eating pencil and mud. The petitioner also taken the victim boy to Virudhunagar Government Hospital for further treatment. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner that the petitioner has been falsely implicated in this case and he has not committed any offence. However, the victim boy is under the custody of his father.

4.The learned Government Advocate (Crl.) appearing for the respondent on instruction would submit that the injuries were caused by the accused. He objects to grant anticipatory bail to the petitioner.

5.Considering the fact that the victim boy is under the custody of his father, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with

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law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
08/05/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN

TO

1.THE JUDICIAL MAGISTRATE NO.I, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

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+1 CC to M/s.J.GAVIN SILVESTER, Advocate (SR-5368[I] dated 08/05/2025)

ORDER
IN
CRL OP(MD) No.8567 of 2025
Date :08/05/2025

PR/28.05 .2025 5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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