



CRL OP(MD).No.12420 of 2025

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

Date : 28/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.12420 of 2025

Linga Selvan,
S/o.Suyambudurai, ..Petitioner/ Accused
Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelvel District.
(Crime No.308 of 2025) .. Respondent/ Complainant

For Petitioner : Mr.B.N.Raja Mohamed
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.308 of 2025 on the file of the Respondent Police.

ORDER: This Court made the following order :-

The petitioner / Accused who was arrested and remanded to judicial custody
on 25.04.2025 for the offences punishable under Section 103(1) and 238(a) of BNS,

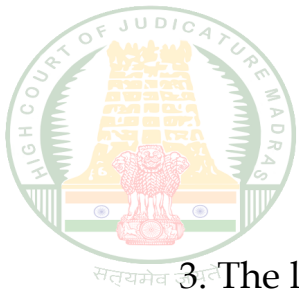


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2023 in Crime No.308 of 2025 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that The defacto complainant is the maternal uncle of the deceased infant child, aged about 2½ years. The father of the deceased child had left the house and had been living separately for the past eight months due to a dispute with his wife. At this juncture, the defacto complainant was informed by his sister that her child had fallen unconscious. She taken the child to the hospital for treatment. The defacto complainant, along with his nephew (another sister's son) Rajan, went to the hospital, where the doctor declared the child dead. Upon enquiry with his sister, the defacto complainant came to know that the accused persons had allegedly kidnapped his sister and taken her to an isolated place. There, they mixed water with a soft drink and gave it to the child, allegedly with the intention of having physical intimacy with the defacto complainant's sister. Later, upon noticing injuries on the child's body, the accused reportedly handed over the child back to her mother with threats. It is further alleged that the accused assaulted the child, resulting in her death. Hence, the petitioner/accused, along with the co-accused, is alleged to have committed the murder of deceased child and concealed the offence. Hence, the case.



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3. The learned counsel for the petitioner would submit that this petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. The second accused arrested and subsequently released on bail by the Judicial Magistrate, Radhapuram, Tirunelveli. He would further submit that the petitioner is in custody from 25.04.2025, more than 86 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally four accused persons in this case and the petitioner has been arrayed as A1. He would further submit that the accused persons caused grievous injuries to the victim child, resulting in the child's death. In this case, the second accused arrested and subsequently released on bail by the Judicial Magistrate, Radhapuram, Tirunelveli. In this case, investigation was completed and the charge sheet has also been filed through e-filing mode. However, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that in this case, investigation was completed charge sheet has



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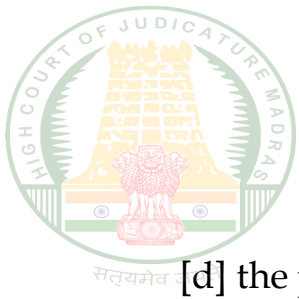
also been filed through e-filing mode, the 2nd accused already enlarged on bail by the learned Judicial Magistrate, Radhapuram, the petitioner/accused is in judicial custody from 25.04.2025, taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Radhapuram and on further conditions that :-

[a] 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 furnish his residential address and contact number to the learned Judicial Magistrate, Radhapuram. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Radhapuram;

[c] the petitioner shall appear and sign before the respondent police daily at 10.30.a.m. until further orders;



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

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

[f] 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 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].

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

sd/-
28/07/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GVN

TO

1 THE JUDICIAL MAGISTRATE,
RADHAPURAM.



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2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 CENTRAL PRISON,
PALAYAMKOTTAI.
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.12420 of 2025
Date :28/07/2025

NM/29.07.2025/ 6P/6C

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