



CRL OP(MD). No.12465 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12465 of 2025

S.Sobhia,
W/o.Late.C.Justin.

:Petitioner/ Accused
Rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kulasekharam Police Station,
Kulasekharam,
Kanyakumari District.
(Crime No.107 of 2025)

: Respondent/ Complainant

For Petitioner : Mr.M.Francis Xavier,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS.

PRAYER :-

For Anticipatory Bail in Crime No.107 of 2025 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/ Accused Rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 194 BNSS altered into 132, 105 and 49 of BNS, in Crime No.107 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. It is not in dispute that the petitioner is the wife and the defacto complainant is brother of the deceased C.Justin Raj. The case of the prosecution is that on 24.03.2025, when the deceased was going to Kumarakudy, met with an accident and got injuries on his head. Instead of admitting him in hospital, the petitioner took him to church and there, the petitioner, along with other church members, engaged in continuous prayers for his recovery. Thereafter, on 26.03.2025, the petitioner's husband died. Hence, the defacto complainant has lodged the above complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He further submitted that When the petitioner came to know that her husband had sustained serious head injury, she immediately took steps to admit him to the hospital for treatment. However, the deceased refused to go to the hospital and requested the petitioner and others not to admit him or compel him to take medicine, as he was an Orthodox Christian believer in the Pentecostal tradition. He followed the same path



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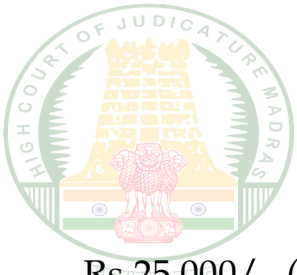
as his mother, who also did not take medicine until her death.

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4.The learned Government Advocate (Criminal Side) submitted that on 24.03.2025, the petitioner's husband met with an accident and got injuries on his head. Instead of admitting him in hospital, the petitioner took him to church and there, the petitioner, along with other church members, engaged in continuous prayers for his recovery. Thereafter, on 26.03.2025, the petitioner's husband died. He further submitted that initially FIR registered under Section 194 of BNSS and subsequently, altered into Section 132, 105 and 49 of BNS and the investigation is in progress.

5. Considering the facts and circumstances of the case and taking into account of the fact that the petitioner is the wife of the deceased and also considering the overtact against the petitioner and also taking note of the manner in which the occurrence was happened and considering the fact that the petitioner is not having any previous case and the occurrence had taken place on 27.03.2025, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Padmanabhapuram, on condition that the petitioner shall execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Padmanabhapuram, and on further conditions 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 furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Padmanabhapuram. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Padmanabhapuram;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section
269 of BNS, 2023.

sd/-
25/07/2025

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

das

TO

1 THE JUDICIAL MAGISTRATE
NO.II, PADMANABHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KULASEKHARAM POLICE STATION,
KULASEKHARAM,
KANNIYAKUMARI DISTRICT.

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



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+1 CC to M/s.D.ANBARASU, Advocate (SR-8070[I] dated 28/07/2025)

ORDER
IN
CRL OP(MD) No.12465 of 2025
Date :25/07/2025

AS/11.08.2025/6P/6C

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