

(2026) 02 MAD CK 1789

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 3831 Of 2026

Sadam Hussein

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 23-02-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 118(1), 269

Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 75

Citation : (2026) 02 MAD CK 1789

Hon'ble Judges : S.Srimathy, J

Bench : Single Bench

Advocate : Gokul Raj.S, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 07.01.2026 for the offences punishable under Section 118(1) of BNS, 2023, r/w Section 75 of the Juvenile Justice (Care and Protection of Children) Act, in Crime No.07 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a dispute between the petitioner and his wife. During the wordy quarrel between them, hot water was poured on their son thereby causing fire injury. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 07.01.2026. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has no previous cases and there is a dispute between the family members. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also

considering the period of incarceration suffered by the petitioner, 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Cases under POCSO act, Thanjavur, 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 Aadhaar 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 the 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 law as if the conditions have been imposed and the petitioner is 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 BNS.