

**(2025) 11 MAD CK 1949**

**In the Madras High Court**

**Case No : Criminal Original Petition No. 31085 Of 2025**

Tamilarasan

APPELLANT

Vs

State

RESPONDENT

**Date of Decision : 14-11-2025**

**Acts Referred:**

Bharatiya Nyaya Sanhita, 2023 — Section 109(1), 238, 238(a), 240, 269  
Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 77

**Citation : (2025) 11 MAD CK 1949**

**Hon'ble Judges : K. Rajasekar, J**

**Bench : Single Bench**

**Advocate : J. Franklin, A. Gopinath**

## Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 24.01.2025 in S.C.No.180 of 2025 on the file of the learned II Additional District Judge, Salem for the offences punishable under Sections 238, 240, 109(1) of BNS and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 @ 238(a), 103(1) of BNS Act and 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, seeks bail. The earlier bail applications of the petitioner were dismissed by this Court, vide orders dated 03.06.2025 and 29.08.2025 in CrI.O.P.Nos.16046 and 23835 of 2025, respectively.

2. The allegation against this petitioner is that, the petitioner had an illicit affair with the mother of the deceased child; that on the date of occurrence, while the petitioner was present in the house with the mother of the deceased, the deceased child began to weep, which enraged the petitioner, thereby the petitioner assaulted the child by thrashing the child against the wall, as a result of which, the child succumbed to injuries and died. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody

since 24.01.2025; that the investigation of the case was completed and case is committed and pending in S.C.No.180 of 2025 and posted for framing of charges; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the trial is pending in S.C.No.180 of 2025 on the file of the learned II Additional District Judge, Salem; that the petitioner has no previous antecedents; and that the case is posted on 21.11.2025 for framing of charges.

5. I have considered the submissions made on both sides and perused the materials available on record.

6. Considering the fact that the earlier bail application of the petitioner was dismissed by this Court, vide order dated 29.08.2025 in Crl.O.P.No.23835 of 2025, now the case stands posted for framing of charges, the petitioner has no previous antecedents and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Salem and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the Trial Court concerned daily at 10:30 a.m., for a period of three weeks and thereafter, on all the hearing dates without fail;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.