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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-11-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.RAMESH**

**CRL OP No. 32463 of 2026**

D.Shanthi,
W/o.Duriakannan,
6/1, Gem Garden,
Vadakku Thotta Paguthi,
Idigarai, Annur,
Coimbatore-641022. ...Petitioner/Accused No.2

Vs

The State, represented
The Inspector of Police,
Variety Hall PS,
Coimbatore. ...Respondent/Complainant
(Crime No.124 of 2024)

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.124 of 2024 on the file of the respondent police.

For Petitioner(s): Mr.N.R.Elango,Senior Counsel
For Mr.Sachindhar A K

For Respondent(s): Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side )

**O R D E R**

The Petitioner, who was arrested and remanded to judicial custody on 13.10.2026 for the alleged offence under Section 194 of BNSS and later altered to 105 of Bharatiya Nyaya Sanhita, 2023, in Crime No.124 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that A1 is a Doctor and the petitioner is a Nurse working under him at Nataraj Clinic. On 05.08.2024 at about 12.00 noon, the wife of the de-facto complainant took their nine-year-old son, Thavin Ramesh, to the clinic for treatment of fever. In the absence of the doctor, the petitioner allegedly administered an injection and prescribed certain tablets. Subsequently, swelling developed at the injection site, and despite the application of ointment as advised by the petitioner, the child's condition deteriorated. He was shifted to various hospitals at Thrissur, where he was declared dead at about 11.25 p.m. The prosecution alleges that the death occurred due to the medical negligence of the petitioner in administering treatment in the absence of the doctor. Hence the case.

3. The learned Senior counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner had neither the knowledge nor the intention to cause the death of the child or that the injection administered by her was likely to cause death. Hence, the ingredients of Section 105 of the BNS are not attracted. He further submitted that the FIR was altered after a lapse of two years and the petitioner was arrested pursuant to the alteration report. The petitioner has been in judicial custody since 13.10.2026 and is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioner, being a nurse, administered the injection to the deceased child, and the child subsequently died due to the alleged medical negligence. He further submitted that the investigation is pending. Hence, he opposed the grant of bail to the petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the fact that the occurrence took place in the year 2024, the petitioner has been in judicial custody since 13.10.2026, and the nature of the allegations, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her 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 the **learned Judicial Magistrate No.V, Coimbatore,** 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



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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 respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in acc 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];**

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

**05-11-2026**

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**Note:**

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

1.The Judicial Magistrate No.V,
Coimbatore.

2.The Inspector of Police,
Variety Hall PS,
Coimbatore.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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**N.RAMESH, J.**

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