



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14444 of 2016

DEEBA

... PETITIONER/ ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
AWPS-KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 15 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.LATHA Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Sections 8,17,10 r/w 9(n) of POCSO Act and Section 506(ii) IPC, in Crime No.15 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 04.06.2016, the petitioner's husband tried to have sexual intercourse with the defacto complainant with the aid of the petitioner. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that due to previous enmity with regard to the land dispute, the petitioner's name has been falsely implicated in this case. At the instigation of the defacto complainant's Aunt, the defacto complainant has given a false statement against the petitioner. The petitioner is innocent and she has not committed any offence as alleged by the prosecution. She has no way connected with the alleged occurrence.

4. The learned Government Advocate (Crl. Side) submitted that on 04.06.2016, the petitioner's husband took the defacto complainant, who is studying 12th standard and tried to have sexual intercourse with her, with the aid of the petitioner. Now, the statement under Section 164(3)Cr.P.C. is recorded.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the nature of allegations made against the petitioner and also the submissions made by the learned Government



Advocate that the statement under Section 164(3) Cr.P.C. is recorded, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute 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 Fast Track Mahila Court, Nagercoil.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
11/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDGE, FAST TRACK MAHILA COURT, NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
AWPS-KUZHITHURAI POLICE STATION, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.LATHA Advocate SR.No.43863

ORDER IN
CRL OP(MD) No.14444 of 2016
Date :11/08/2016