

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.30547 of 2018

SWETHA @ VASANTHY

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
K-2 AYNVARAM POLICE STATION,
CHENNAI, CR.NO.579 OF 2018.

For Petitioner : M/S.J.B.SOLOMON PETER KAMALDOS Advocate

For Respondent : M/S.V.SARADHA DEVI, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This petition has been filed by the Accused seeking bail for alleged offences under Section 6 POCSO Act, 2012.

2. The learned counsel for the petitioner has submitted that the petitioner is a lady and she was already married to one Muruga and she is having 3 minor children. She further submitted that the petitioner has been falsely implicated in the above case and she has not committed any offence. The learned counsel for the petitioner further submitted that the petitioner has been arrested on 05.12.2018 and till today she is in custody and therefore, she prayed to grant bail to the petitioner.

3. The learned Public Prosecutor, on the contrary, submitted that the victim is aged about 17 years 8 months old boy and the petitioner herein has eloped the victim. She has further submitted that after registering the case, the petitioner has been arrested and till today, she is in custody and a statement under Section 164 Cr.P.C also has been recorded from the victim boy. She has further submitted that investigation is still in progress and hence, she strongly opposed this petition.

4. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is a woman, and she is having 3 minor children and also the fact that the alleged victim is a boy, completed 17 years and 8 months and already the statement under Section 164 of Cr.P.C was recorded from the said victim and

also the fact that the petitioner is in custody from 05.12.2018, this court is of the view that there is no need for further custody of the petitioner and the petitioner could be enlarged on bail. Accordingly, it is ordered that the petitioner shall 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 likesum to the satisfaction of the learned Mahila Sessions Judge, Chennai, and by imposing the further conditions that :-

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

(b) the petitioner shall not abscond either during investigation of trial.

(c) the petitioner shall not tamper with evidence or witness either during investigation of trial.

(d) 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]**.

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A I.P.C.

-sd/-

27/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, CHENNAI.

2 THE INSPECTOR OF POLICE,
K-2 AYNAMARAM POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

+1CC to M/S.J.B.SOLOMON PETER KAMALDOS Advocate on payment of
necessary charges in SR.NO. 25065

CRL OP.30547/2018

Date :27/12/2018

MLT-28/12/2018



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