

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10139 of 2020

Selvi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Villupuram, Villupuram District.
Crime No.9 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in Crime No.9 of 2020 on
the file of the respondent police.

For Petitioner : Mr. S. N. Arunkumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 04.06.2020 for the offences punishable under Sections 294(b), 313 and 506 (i) of IPC read with Section 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.9 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Manikodi is that, on 14.02.2020 she found her daughter Senbagam aged 17 years fell sick. When she enquired her daughter, she informed the defacto complainant that she had relationship with one Veeramani/A1 and due to the relationship she had become pregnant following which, the said Veeramani and his friends had taken the victim girl to Thiruvannamalai where with the help of the petitioner/A5, they conducted abortion. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case since, she happens to be the relative of A1. He further submitted that on 12.02.2020, the first accused and the victim had came to her house and thereafter they gone away. Other than that, she has nothing to do with the alleged offence. He would further submit that the petitioner has been in incarceration from 04.06.2020 and that the major part of investigation is over. Hence, he prays to
grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 has committed aggravated sexual assault on the daughter of the defacto complainant due to which, she became pregnant. Therefore, the first accused without the knowledge of the defacto complainant, took the victim girl to Tiruvannamalai where with the help of this petitioner and other friends, conducted abortion on the victim girl forcibly. He further submitted that the petitioner who is the paternal aunt of A1 had assisted and conducted abortion on the victim girl and that the investigation is pending. Hence he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration by the petitioner from 04.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Sessions Judge, Special court for Exclusive Trial of Cases under POSCO Act, Villupuram. on or before 06.08.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

06/07/2020

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

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

TO

1 THE SESSIONS JUDGE,
THE SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POSCO ACT, VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTORE OF POLICE,
ALL WOMEN POLICE STATION,
VILLUPURAM, VILLUPPURAM.

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
CUDDALORE.

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.10139/2020

Date :06/07/2020

RVR 28/08/2020

WEB COPY