

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM

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

CrI.O.P.No.14211 of 2020

Chandra Murugan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Gopichettipalayam.
Crime No.2 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on bail in the event of her arrest in Crime No.2 of 2020 pending investigation on the file of the Inspector of Police, All Women Police Station, Gobichettipalayam, Erode District.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under section 6 of the POCSO Act, 20/12, in Crime No.2 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1, who is the husband of the petitioner, had developed intimacy with the victim girl, who was aged about 17 years and he had committed penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the wife of A1 and she has nothing to do with the alleged offence. He would further submit that A1 was arrested and he has been enlarged on bail by this Court. Hence, he prays anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that a case has been registered against the petitioner and her husband / the first accused, on the complaint given by the mother of the victim. It is further stated that the petitioner's husband / first accused had kidnapped the minor girl and committed penetrative sexual assault on her. The Inspector of Police, All Women Police Station, Gopichettipalayam, has filed counter affidavit and in paragraph No.5, it has been stated as follows:

"5. During the investigation the accused wife Chandra produced the love letters, which was written by the victim to the accused. Also I submitted that having the love letters written by the victim to the accused, I did not include Chandra as an accused."

5. As per the counter affidavit filed by the respondent police, the petitioner is not an accused in this case. In view of the same, this Criminal Original Petition stands closed.

-sd/-

21/09/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOPICHETTIPALAYAM.

CC to M/S. C.D .JOHNSON Advocate on payment of necessary charges

CRL OP.14211/2020

Date :21/09/2020

MK:29/09/2020