

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17011 of 2020

Banu

... Petitioner

Versus

State Rep.by
The Inspector of Police,
Guduvancherry,
Kanchipuram District.
(Crime No.3112 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.3112 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Gnanasekar

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7, 8, 11(i) r/w 12 of Protection of Children from Sexual Offences Act, 2012, in Crime No.3112 of 2020 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant completed X standard during the academic year 2019-2020. During the summer vacation, she joined the leather company run by the first Accused A-1 and working there for about 10 days. While so, on 01.07.2020, A-1 misbehaved with the defacto complainant and committed sexual assault on her. The defacto complainant therefore informed her parents and thereafter given the complaint against A-1. It is stated that A-1 was arrested and remanded to judicial custody and thereafter, he was granted bail on 31.07.2020. The petitioner is the wife of Akbar/A-1. The allegation of the de-facto complainant is that when her mother came to know about the incident she questioned A-1 and the Petitioner herein and at that time, the petitioner assaulted the mother of the victim. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. There was no allegation against the petitioner in the first information report and hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner's husband had committed sexual assault on the victim girl aged 16 years. When the mother of the victim girl questioned the petitioner, who is the wife of A-1, she assaulted and threatened the de-facto complainant with dire consequences. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard both sides and gone through the Section 164 Cr.PC Statement.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Learned Special Judge, Special Court for Exclusive Trial of cases under POCSO, Act, Chengalpattu, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties out of which one surety must be a blood surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/12/2020

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 SPECIAL JUDGE, SPECIAL
COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
GUDUVANCHERRY,
KANCHEEPURAM DISTRICT

CC to M/S.M.GNANASEKAR Advocate on payment of necessary charges
Sr.8046

CRL OP.17011/2020

Date :08/12/2020

RVR 15/12/2020