



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

Date : 21/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7553 of 2020

Muthulakshmi,

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Rajapalayam, Virudhunagar District.
(In Crime No.8 of 2020).

... Respondent/Complainant

For Petitioner : M/s.A.Balaji,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.8 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 herein was arrested and remanded to judicial custody on 08.06.2020 for the alleged offence under Sections 5(i), 6,7,8,16 and 17 of POCSO Act and Section 328 and 506(ii) of IPC.

2. There are totally five accused in this case. The petitioner herein is A4. The victim girl is aged about 12 years. The case of the prosecution is that A1 in this case is said to have sexual intercourse with the victim girl and A2 and A3 have sexually assaulted the victim girl. Hence the complaint. Initially, the name of the petitioner has not been mentioned in the First Information Report subsequently based on the statement given by the victim girl, the petitioner herein has been implicated with the allegation



that she along with A5 took the victim girl to the house of A1 where A1 had sexual intercourse with the victim girl.

3. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and she is custody for nearly 40 days. Hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) opposing the bail petition would submit that victim girl is about 12 years and all have accused persons have sexually assaulted the victim girl. He would also submit that initially the name of the petitioner was not found place in the First Information Report subsequently based on the statement given by the victim this petitioner has been implicated in the above crime

5. From the perusal of the records it is clearly seen that A1 to A3 have made sexual assault against the victim girl and he petitioner herein is said to have accompanied A5 along with the victim girl to the house of A1, where A1 is said to have sexual intercourse with the victim girl. That apart the name of the petitioner does not found place in the First Information Report and only based on the subsequent statement given by the victim her name is implicated.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during 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 were breached 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
21/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDGE,
SPECIAL COURT FOR POSCO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7553 of 2020
Date :21/07/2020

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AE/PN/SAR-III (21.07.2020) 3P 5C