



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

Date : 31/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7856 of 2020

B.Gurukarthika, ... Petitioner/Accused No.5

Vs

The Sub Inspector of Police,
All Women Police Station,
Rajapalayam,
In Crime No. 8 of 2020. ... Respondent/Complainant

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

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

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

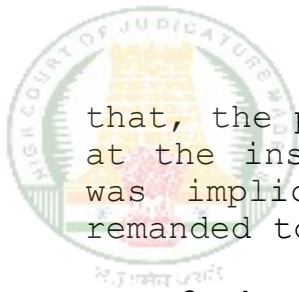
PRAYER :-

For Bail in Crime No.08 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/5th accused herein was arrested and remanded to judicial custody on 06.06.2020 for the alleged offences under Sections 5(1) r/w 6,7 r/w 8, 16, 17 of POCSO Act and Section 328 and 506(ii) of IPC.

2.The victim girl by name Marieeshwari, aged about 12 years, who is the daughter of the de-facto complainant. A-3 in this case is the friend of the victim girl. On 21.03.2020, A-1 invited the victim girl near a bakery and sexually assaulted the victim. Thereafter, another accused A-2 also sexually assaulted the victim. After sometime, on 28.05.2020, A-1 in this case picked the victim girl and forcefully gave some intoxicated drink and had sexually intercourse with the victim girl. The allegation against the petitioner is



that, the petitioner brought the victim girl to the house of the A-1 at the instigation of A-4 in a drunken condition and thereby, she was implicated in the criminal case and she was arrested and remanded to judicial custody on 06.06.2020.

3.The learned counsel for the petitioner would submit that the petitioner is a lady and no role played in this occurrence. Even as per the statement of the victim, the petitioner only helped the victim and left in her parental house.

4.The learned Government Advocate(Crl.Side) would submit that this is the very serious offence and A-1, A-2 and A-3 are said to have sexually assaulted the victim, aged about 12 years. He would further submit that since the petitioner has involved in the crime, she was arrested and remanded to judicial custody. Hence, he strongly opposed to grant bail to the petitioner.

5.I have perused the 164(5) Cr.P.C statement of the victim girl, it is seen that so far as this petitioner is concerned, after the sexual assault by A-1, this petitioner helped the victim girl and left her in her parental house.

6.Considering the above facts and circumstances of the case and also considering the fact that there is no other serious allegation is levelled against the petitioner and also 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 learned Sessions Judge, Special Court for POCSO Act Cases, Virudhunagar 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 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].

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

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31/07/2020

/ TRUE COPY /

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

SJI

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 Sessions Judge,
Special Court for POCSO Act Cases,
Virudhunagar at Srivilliputhur
- 2.The Superintendent,
Central Prison for Women,
Madurai.
3. The Sub Inspector of Police,
All Women Police Station, Rajapalayam.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.7856 of 2020
Date : 31/07/2020

TR/RSK/SAR-II(31.07.2020) 3P 5C