

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.615 of 2021

Muniyammal

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Polur Police Station,
Polur, Thiruvannamalai Dt.
(Crime No.1608 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.1608 of 2020 pending on the file of the respondent.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A6. She apprehends arrest at the hands of respondent police for the offence punishable under Sections 366(A) altered to 176 of I.P.C. and Section 6 and 8 of Protection of Children Sexual Offences Act, and now the respondent has altered the offence into Section 363, 366, 366(A), 376(2)(iv) r/w 109 of I.P.C. and Section 5(1) r/w 6 r/w 17 of POCSO Act, in Crime No.1608 of 2020 and now, she has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that A1 in this case had love affairs with the victim girl, she is aged 17 years and he has kidnapped victim girl along with the petitioner and he has sexually assaulted her. Thereafter, based on the complaint given by father of victim girl, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail. Now, it is stated that A1 was arrested and he was released on bail by this Court in CrI.O.P.No.218 of 2021 on 19.01.2021.

3. The learned counsel appearing for petitioner would submit that she is arrayed as A6 and the main allegation is only against A1. He would submit that she is an innocent person and she is no way connected with the offence. He would also submit that she has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that both the petitioner and A1 said to have kidnapped minor girl and the minor girl had given a statement before the concerned Judicial Magistrate. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances and also on perusal of statement given by the victim girl, it could be seen that no allegation has been made out against the petitioner, all the allegations are made only against A1 and on considering the fact that A1 was arrested and he was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Polur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

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

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

-sd/-

22/01/2021

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 JUDICIAL MAGISTRATE,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
POLUR, THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.V.RAJAMOHAN Advocate on payment of necessary charges SR NO. 730

WEB COPY

CRL OP.615/2021

Date :22/01/2021

MN-02/02/2021