

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.9645 of 2021

Vijayalakshmi

... Petitioner

Vs.

State represented by
The Inspector of Police,
W-17, All Women Police Station,
Peravallore, Chennai.
Crime No.1 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.1 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Johnson Samuel

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. side)

ORDER

This Criminal Original Petition has been filed to enlarge the petitioner on bail pending investigation in Crime No.1 of 2021 on the file of the respondent police.

2.The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the Accused No.1 has been granted bail, and therefore, the petitioner is also to be released on bail.

3.The learned Government Advocate (CrI. Side) vehemently objected to the release of the petitioner on bail, as she had been encouraging the Accused No.1 with the offences indulged by him with the victim girl, and she is an accomplice to the unlawful activities attracting offences under Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

4.Heard the learned counsel on either side and perused the materials available on record.

5. When the child victim was examined by the learned Magistrate, the learned Magistrate insisted for the mother, considering the mother is the natural guardian of the child, as a general condition. But, when knowing that the mother herein is an accomplice of the accused, as a co-accused, the child victim had insisted the learned Magistrate that her father alone shall accompany her. Only on that condition, the child victim had opened up narrating the incidents to the learned Magistrate, who recorded the statement of the child victim under Section 164 Cr.P.C. On a perusal of the same, it is found that the accused/petitioner herein remained as a mute spectator in the presence of the Accused No.1, who had already been granted bail by the learned Judge. The indifference of the petitioner to the conduct of the Accused No.1, who is a neighbour, indulging in the offences attracting the provisions of the POCSO Act, cannot be viewed lightly. If this petitioner is enlarged on bail, there is every possibility of the petitioner causing hindrance to the trial. Therefore, this Criminal Original Petition is dismissed.

-sd/-
26/05/2021

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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,
W-17, ALL WOMEN POLICE STATION,
PERAVALLORE,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9645/2021

Date :26/05/2021

TA-16/06/2021