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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10868 of 2021

R. Karunambikai

... Petitioner

Vs.

State Rep by
DSP,
CBCID, OCU-II
Chennai
(Cr.No.3 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of her arrest in Crime No.3 of 2021 on the file of the respondent police.

For Petitioner : M/s Gupta and Ravi

For Respondent : Mr.E. Raja Thilak
Government Advocate (Cr1.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 354, 363, 365, 366 and 109 of I.P.C and Section 4 of TNPHW Act, 2002 in Crime No.3 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a old student of Sushil Hari International School, Kelambakkam. The allegation is that one Divya Balasubramaniam who is a classmate of the complainant took the complainant and her sister to the accused Siva Shankar Baba's place and Al offered juice to the victims and touched their private parts sexually. The victims further submit that the petitioner/Karunambikai took her friend Syed Ali Fathima to the accused Siva Shankar Baba's and she was also sexually assaulted by Al. Hence, the law enforcing agency registered the case against the petitioner..



3.The learned counsel appearing for the petitioner submits that the petitioner has no role to play in this crime and the main accused in this crime is one Divya Balasubramanian. He further submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner assisted the accused to commit the crime. He further submits that the main accused Al/Siva Shankar Baba has already been arrested and investigation is not yet completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts of the case and on perusal of 164 statements that there is no direct allegation against this petitioner and the main accused Al/Siva Shankar Baba has already been arrested, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 **Special Court For CB-CID Cases, Egmore** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a **Special Court For CB-CID Cases, Egmore** 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 Court concerned 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 as and when required for interrogation.

© 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 petitioners 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
05/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
CB-CID CASES, EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DSP,
CBCID, OCU-II,
CHENNAI.

+1 CC to M/S.GUPTA AND RAVI Advocate on payment of necessary charges SR.NO.7098

CRL OP.10868/2021

Date :05/07/2021

TA-30/07/2021