

CrI.O.P.No.12914 of 2021

M.DHANDAPANI,J.

The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2.It is brought to the notice of this Court that some typographical error has been crept in para No.6 (b) of the order dated 12.08.2021 and the same shall be replaced as follows:

"6 (b) the petitioner shall report before the learned Judicial Magistrate, Additional Mahila Court, Chengalpattu, daily at 10.30 a.m., until further orders."

3. All other conditions imposed in the order dated 12.08.2021 shall remain intact except for the above said correction.

4. Registry is directed to carry out the necessary correction in the order dated 12.08.2021 and issue a fresh copy of the order to the learned counsel for the parties.

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23.08.2021

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Note- Issue order copy on 24.08.2021

M.DHANDAPANI,J.

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CRL. O.P. NO.12914 OF 2021**M.DHANDAPANI, J.**

The petitioner who apprehends arrest for the alleged offence under Sections 354, 363, 365, 366 r/w 109 IPC and Section 4 of the Tamil Nadu Prohibition of Haraassment of Women Act and Sections 8, 10, 12 r/w 17 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.1 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the students of Sushil Hari International Residential School have lodged complaints against one Mr. C.N.Siva Shankaran, commonly known as Siva Shankar Baba alleging that the said person had sexually harassed the complainants and that the petitioner herein has been roped as helping the said Siva Shankaran in indulging in the said perverted sexual acts. Based on the complaints given by the students of the school, the case was registered by the respondent police.

3. Learned senior counsel appearing for the petitioner submitted that the petitioner is not involved in any of the acts as alleged by the prosecution and that she has been merely roped in by the investigating agency on the allegation that she had taken the complainant to the person, who had sexually assaulted the

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complainant. It is the further submission of the learned senior counsel that the victim/complainant has not cast any pointed allegation on the petitioner. Therefore, he prays that the petitioner may be granted anticipatory bail.

4. Learned Government Advocate (Crl. Side) appearing for the State submitted that the petitioner was instrumental in taking the complainant to the place where the accused had misbehaved with the complainant. Learned Government Advocate further submits that the statement of the victim u/s 164 Cr.P.C. has been recorded and a copy of the said statement has been placed before this Court.

5. A perusal of the statement of the victim recorded u/s 164 Cr.P.C. reveals that the petitioner is a devotee of A-1, Siva Shankar Baba and that she had informed the victim that she had gone dating with Shiv Shankar Baba and that she had insisted that whenever A-1 called the victim, she should go for dating with A-1. Except for the above allegation, there is no other pointed allegation against the petitioner. Considering the above fact that there is no pointed allegation against the petitioner in the statement of the victim recorded u/s 164 Cr.P.C. and, further, the co-accused has also been granted anticipatory bail by this Court in Crl. O.P. No.11375/21 vide order dated 5.7.2021. Therefore, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Mahila Court, Chengalpet, 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 like sum to the satisfaction of the said judicial officer concerned 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. until further orders;

(c) 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;

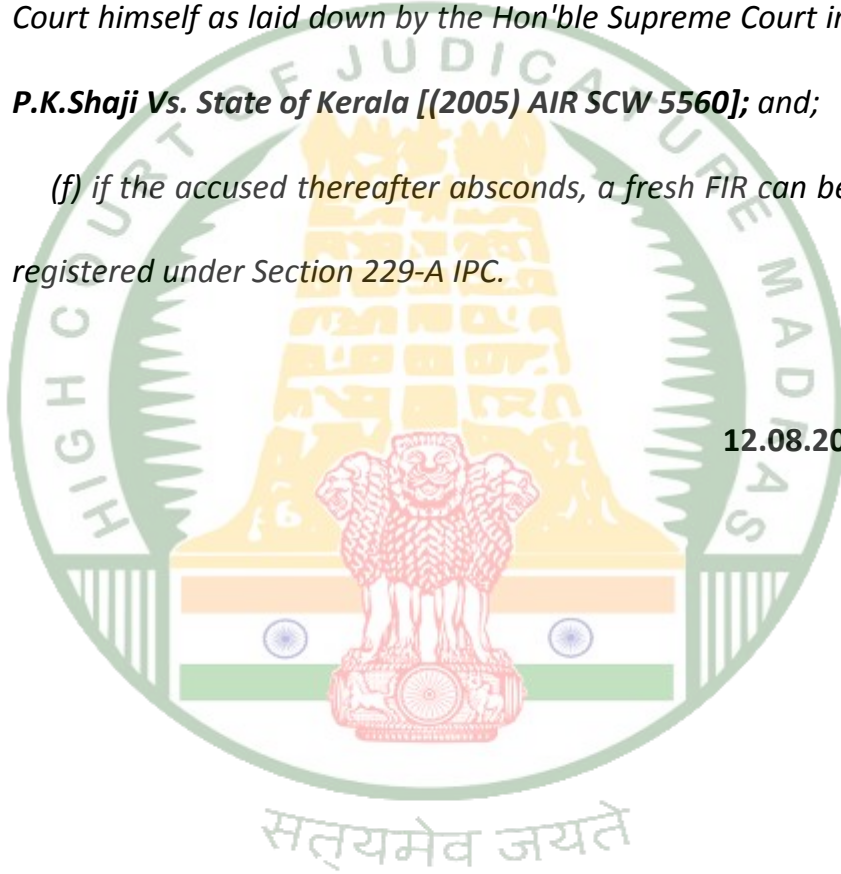
(e) on breach of any of the aforesaid conditions, the

*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 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]**; and;*

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

12.08.2021

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M.DHANDAPANI, J.

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