

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.17725 of 2020

Oleti Satya

.. Petitioner/A2

Vs.

State represented by
Inspector of Police,
Yanam Police Station,
Puducherry.
(Crime No.195 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of her arrest in Crime No.195 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.C.Elangovan

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

(The case has been heard through video conference)

The petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 6 and 17 of POCSO Act in Crime No.195 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.08.2020 at night hours the victim child aged about 17 years left her house voluntarily and went to A2's house at Kakinada. A2 is the wife of A1. A1 and A2 were previously tenants under the defacto complainant. It is alleged that A1 sexually assaulted the victim girl with the help of the petitioner/A2 and also tied thali on the victim. Hence, the respondent police registered a case against the petitioner/A2.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor appearing for the respondent would submit that A1 was arrested and released on bail.

5. Considering the facts and circumstances of the case, petitioner is the wife of A1 and the main allegation is against A1 and now he was 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge under POCSO Act cum Principal District Judge, Puducherry, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 for interrogation.

(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 petitioners 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].

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

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

-sd/-
27/01/2021

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 SPECIAL JUDGE UNDER POCSO ACT
CUM PRINCIPAL DISTRICT JUDGE, PUDUCHERRY,

2 THE PUBLIC PROSECUTOR,
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
YANAM POLICE STATION,
PUDUCHEERY.

+1 CC to C.ELANGOVAN Advocate on payment of necessary charges
SR NO. 990

CRL OP.17725/2020

सत्यमेव जयते

Date :27/01/2021

MN-03/02/2021

WEB COPY