



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21767 of 2021

S.VEERABHARATHIDEVI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADIPAKKAM,
CHENNAI.
(CRIME NO.4/2021)

For Petitioner : M/S.M.VIJAYA KUMAR Advocate

For Respondent : M/S.S.SUGENDRAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

This criminal original petition has been filed by the petitioner, seeking enlargement on bail in connection with the offences u/s 11 (iii) r/w 12 of POCSO Act, 2012 and 294 (b) and 506 (i) IPC, in Crime No.4 of 2021 on the file of the respondent. This is the second bail application filed by the petitioner. The first bail application in Crl. O.P. No.15185/2021 came to be dismissed by this Court vide order dated 20.09.2021.,

2. It is the case of the prosecution that the petitioner and her son, who are arrayed as P-1 and P-2, being the relatives of the defacto complainant, approached the defacto complainant's daughter with a proposal for acting in films and yielding to the sugar coated words, access was granted to P-1 and -2 and utilising the same, P-2 had tried to misbehave with the victim girl by showing obscene content in his mobile phone and veiled threats prevented the victim from disclosing the said act to her mother. Thereafter, P-2, accompanied by P-3, came to the house of the victim, however, the



victim and misbehaved in the same manner and also tried to manhandle the victim sexually. Thereafter, P-1 had gone to the house of the victim and had threatened her and the victim was physically abused by P-1 to P-3 and on the victim raising alarm, the petitioner and others left the house warning of dire consequences to the members of the victim's family. The victim, had, thereafter, narrated the occurrence to the defacto complainant resulting in the criminal machinery being set in motion by lodging of the complaint by the defacto complainant.

3. Learned counsel appearing for the petitioner submitted that a false case has been lodged against the petitioner and that it is the petitioner and her child, who are the victim and who have lodged the first complaint and not the defacto complainant, as alleged. It is the further submission of the learned counsel for the petitioner that the petitioner has a seven year old child, which has to be taken care of and as a mother, the presence of the petitioner is very much necessary at this point of time in the interest of the welfare of the child and, therefore, this Court may consider the case of the petitioner sympathetically and grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submits that investigation is still underway. It is further submitted that there is no change of circumstance pointed out by the petitioner which necessitates this Court revisiting its order and to grant bail to the petitioner. He vehemently opposed grant of bail to the petitioner.

5. This Court, even at the time of dismissing the petition for bail filed by the petitioner at the first instance, had adverted to the statement of the victim recorded u/s 164 Cr.P.C., in which the victim has clearly spoken about the sexual abuse meted out to the victim and also the act of the petitioner in terrorising the victim with dire consequences to her and her family. It is further evident from the said statement that P-1 and P-2 are, in fact, related to the victim. Even at the time of the first bail application, this Court had discussed threadbare the case of the petitioners and in view of the nature of the case and the seriousness and the gravity of the allegations made against the petitioners, this Court had rejected the case of the petitioners therein for bail.

6. The present petition has been filed seeking bail. However, except for placing the same set of facts and circumstances, no changed circumstance is placed before this Court to seek bail for the petitioner. In view of the fact that there is no change of circumstance and also taking into consideration the gravity of the offence alleged against the petitioner, this Court is not inclined to accede to the prayer of the petitioner for bail.



7. For the reason aforesaid, this petition is devoid of merits and, accordingly, the same is dismissed.

WEB COPY

-sd/-
19/11/2021

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADIPAKKAM,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.VIJAYA KUMAR Advocate on payment of necessary charges

CRL OP.21767/2021

Date :19/11/2021

TA-20/12/2021