



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24893 of 2021

Lalitha

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Eravanchery Police Station,
Tiruvarur District.
(Crime No.526 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.526 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Raja Mohamed

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.11.2021 for the offences under Sections 366 (A) of IPC, 5(c) 5 (1) r/w 6 of POCSO Act in Crime No.526 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that defacto complainant who is father of the victim boy lodged a complaint before the respondent police on 04.11.2021 and stated that his son is aged about 15 years, he had illegal relationship with one Lalitha and eloped with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she was falsely implicated in this case. He would further submits that the petitioner has been suffering incarceration for more than 30 days from 08.11.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that accused was working as a Cook in Government Primary School, and she eloped with the victim boy and he further submits that petitioner is aged about 34 years and victim is aged about more than 16 years and the statement of the victim boy under Section 164 of Cr.P.C is recorded. He further submits that investigation was almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and the petitioner is a Government employee and there is no chance for absconding, hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Sessions Judge, Fast Track Mahila Court, Tiruvarur, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Wednesday 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.

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-sd/-

20/12/2021

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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, TIRUVARUR.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, TIRUVARUR.

3 THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.RAJA MOHAMED Advocate on payment of necessary charges

CRL OP.24893/2021

Date :20/12/2021

RW 21/12/2021