



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25084 of 2021

Isabel

...Petitioner

Vs.

State: Rep by
The Inspector of Police
W17 All Women Police Station,
Paravallore, Chennai - 600 073.
(Crime No.06 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.6 of 2021, on the file of the respondent police.

For Petitioner : Mr.R.Vijaya Raghaven

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.08.2021 for the offences under Sections 6 r/w 5(d), 10 r/w 9 (d) of the POCSO Act, 376 (2) of the IPC, Section 17, 10 r/w 9(d), 21 (2) of the POCSO Act, 2021 in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 is the brother of the petitioner/A2 who worked as Executive Secretary of MCCSS Children's home for the sexually abused victims, in which A1 was worked as driver to A2/petitioner herein. During that time A1 had committed sexual assault against the two victim children who were staying in that home. The affected girls reported the same to the A2/petitioner, for that, A2/petitioner did not give any much importance to the allegations made by the victims children and she did not took any action against A1. Hence, the complaint.



3.The learned counsel for the petitioner submits that he is falsely implicated in this case and he further submits that petitioner is aged about 56 years and she was in that service for more than 20 years and he further submits that there is no bad antecedents against the petitioner herein, apart from that she was relieved from the service of Executive Secretary of MCCSS, for which, he enclosed the relieving certificate and A1 was sent out from that home during the period of trial. He would further submits that the petitioner has been suffering incarceration for more than 4 months from 12.08.2021. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) raised objection stating that victim children's were sexually assaulted by the petitioner's brother, for that, she was not taken any steps to prevent the occurrence after victim's complaint about the same and he further submits that there are 25 children are staying in that home and the investigation is almost completed. Hence, vehemently opposed the grant of bail.

5. Heard both sides.

6. As per the submission made by the prosecution, it is seen that there are 25 orphan girls were staying in that home. On seeing the pathetic situation of the home as well as the orphans, this Court directs the respondent police to monitor the home on every Saturday with the help of Legal Service Authority of Egmore for a period of one year.

7. Considering the facts and circumstances of the case and also the fact that petitioner was relieved from the service to that effect on 10.08.2021, which reveals that she is not in service and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Special Court of Exclusive Trial of Cases under POCSO Act, Chennai, 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 as and when required for interrogation;

(c) the petitioner shall not contact with the victims through any mode;



(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 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;

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

-sd/-

23/12/2021

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 SPECIAL COURT OF
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE INSPECTOR OF POLICE,
W17 ALL WOMEN POLICE STATION,
PERAVALLORE, CHENNAI-600 073.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.VIJAYARAGHAVEN Advocate on payment of necessary
charges SR.NO.15438

CRL OP.25084/2021

Date :23/12/2021

RW 23/12/2021