



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16238 of 2021

Suryakala,

... Petitioner/Accused No.2

Vs

State Through
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Cr.No.809 / 2020.

... Respondent/Complainant

For Petitioner : Mr.B.Muneeswaran
Advocate
For Mr.S.J.Chakkaravarthy,
Advocate.
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 809/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 who was arrested on 07.10.2020, for the offence punishable under Sections 305, 328 IPC & Sections 5(1)(m) r/w 6(1) r/w 17 of POCSO Act, 2012, in Crime No.809 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased minor victim girl who is aged about 11 years is the daughter of this petitioner. Since the petitioner had illegal contact with the first accused, she insisted her daughter to have physical relationship with the first accused. Due to that, the minor girl had committed suicide. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had an illegal affair



with the first accused. The first accused subjected the victim to sexual assault. This is the second bail application and there is no change in circumstances and hence, he opposed to grant bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner sought permission of this Court to withdraw this bail application.

5. In this case, the petitioner/A2 is the mother of the victim and she had illegal intimacy with the first accused. This petitioner has persuaded her daughter to have physical relationship with her paramour. The victim, who is the daughter of the petitioner at the age of 11 years unbearable with the conduct of her mother and without any support from any person, committed suicide.

6. The learned counsel for the petitioner has withdrawn the earlier petition and has filed the present bail petition. Now, he sought permission to withdraw this application also.

7. The learned Additional Public Prosecutor has submitted that the trial has been commenced and the case is posted on 27.10.2021 for examination of witnesses 1 to 7.

8. Considering the facts and circumstances of the case and the offence committed by the petitioner that she misused her daughter to have physical relationship with her paramour, this Court is not inclined to enlarge the petitioner on bail till the completion of trial. The trial Court is directed to expedite the trial and dispose the case as early as possible.

9. With the above observations, this Criminal Original Petition is dismissed.

10. Registry is directed to mark a copy of this order to the learned Sessions Judge, Mahila Court, Pudukkottai, Pudukkottai District.

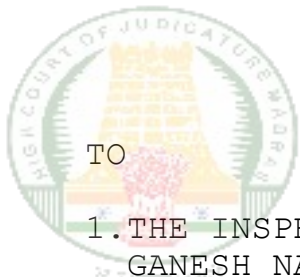
sd/-
26/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/msa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1.THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

2.THE OFFICER INCHARGE,
MAHILA PRISON, TRICHY

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI, PUDUKOTTAI DISTRICT.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate (SR-7429[I] dated
26/10/2021)

ORDER

IN

CRL OP(MD) No.16238 of 2021

Date :26/10/2021

SB/JM/SAR-IV/10.11.2021/3P/6C