



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.686 of 2022

Sunitha

... Petitioner

Vs.

State by
Station House Officer,
Orelanpet Police Station,
Puducherry.
Crime No. 170/ 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail in Crime No. 170 of 2021 on the file of the Respondent Orelanpet Police Station, Puducherry. .

For petitioner : M/s.S.Xavier Felix

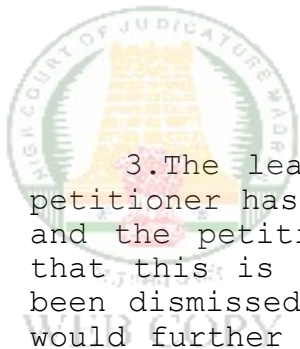
For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Pondicherry)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.11.2021 for the offences under Sections 6, 18, 16 of POCSO Act, 2012 @ Sections 6, 8, 16 of POCSO Act 2012 and 370(4), 370(A), 366A of IPC, 5(1)(D)(ii), 6(2A) of IPT Act, in Crime No.170 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter was sent to Arya Beauty Parlour to learn beautician course. But the petitioner induced the victim for the purpose of prostitution. 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 the petitioner is aged about 56 years. He would further submit that this is second application for bail and that earlier bail has been dismissed in CrI.O.P.No.22163 of 2021 order dated 21.12.2021. He would further submit that the Statement under Section 164 Cr.P.C has been recorded and the license of the Beauty Parlour also cancelled and that the petitioner has been suffering incarceration for more than 45 days from 28.11.2021. He would further submit that the petitioner on her own volition ready to deposit a substantial amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor (Pondicherry) would raise objection but admits that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only), to the credit of the Registered Advocate Clerks Association, Puducherry, without prejudice to her rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocate Clerks.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner have been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through demand draft to the Registered Advocate Clerks Association, Puducherry, without prejudice to her defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Principal Sessions Judge,



Puducherry within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

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(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders and the petitioner should not have any communication with the victim girl;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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



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

-sd/-
12/01/2022

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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 PRINCIPAL SESSIONS JUDGE,
PUDUCHERRY.

2 THE STATION HOUSE OFFICER
ORELANPET POLICE STATION,
PUDUCHERRY

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
PUDUCHERRY.

5 THE REGISTERED ADVOCATE,
CLERKS ASSOCIATION, PUDUCHERRY.

+1 CC to M/S. S.XAVIER FELIX Advocate on payment of necessary charges SR.NO.599

CRL OP.686/2022

Date :12/01/2022

JPA 19/01/2022