



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.720 of 2022

Priyanka

...Petitioner

Vs.

State rep. by  
The Inspector of Police,  
W-28, All Women Police Station,  
Ambattur,  
Chennai- 600 053  
(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. 06 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.R.Vivekananthan

For Respondent : Mr.A.Gokulakrishnan  
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 376(3) of IPC, 5(1), 5(n) r/w 6 of Protection of Children from Sexual Offence Act, 2012 r/w 17 of Protection of Children from Sexual Offence Act, 2012 in Crime No. 06 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the defacto complainant and she is the mother of the victim girl aged about 15 years. The petitioner had separated from her husband and got acquaintance with one Sandeep/A1. While so, on 05.11.2021, A1 sexually harassed the victim girl. Hence, the petitioner/defacto complainant lodged a complaint. Later, the petitioner was implicated in this case since, she was the reason for the offence committed by A1 on the victim girl.



3.The learned counsel for the petitioner would submit that the petitioner is the one who actually lodged the complaint against A1 and she is no way connected with the offence committed by A1. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in CrI.O.P.No.24681 of 2021 dated 17.12.2021 and that A1 has already been released on bail by the lower Court and that the petitioner has been suffering incarceration for more than 80 days from 06.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would raise strong objection stating that the victim is a minor aged about 15 years and the petitioner who is the mother of the victim is the root cause for the offence committed by A1 but admits that A1 has been released on bail and the investigation is almost completed.

5. Considering the fact that A1 has been released on bail and 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 his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Session Judge for Special Court for POCSO Act Cases, Mahila Court, Tiruvallur, 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;

(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 Saturday at 10.30 a.m. until further orders and the petitioner should not harass the victim girl in any way.

(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.

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

-sd/-

27/01/2022

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 SESSION JUDGE FOR  
SPECIAL COURT FOR POCSO ACT CASES,  
MAHILA COURT, TIRUVALLUR.

2 THE SUPERINTENDENT,  
CENTRAL PRISON FOR (WOMENS), PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,  
W-28, ALL WOMEN POLICE STATION,  
AMBATTUR, CHENNAI 600053.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S R.VIVEKANANTHAN Advocate on payment of necessary charges

CRL OP.720/2022

Date :27/01/2022

RW 28/01/2022