



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Cr1.O.P.No.1915 of 2022

Shekhinah Shawn

... Petitioner

Vs.

State Rep by
The Inspector of Police,
W-4, All Women Police Station,
Kilpauk, Chennai.
(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 on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on **24.04.2021** for the offences under **Sections 10, 9(1), 9(m), 9(n), 17 of POCSO Act 2012 and 506(ii) of IPC** in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the defacto complainant lodged a complaint before the respondent police Stated that her daughter was grown with her sister's house till the age of 15, at that time, her daughter was sexually harassed by her sister's husband and the other accused persons.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he further submitted that due to the family disputed she has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for 8 months from 24.04.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the petitioner's husband was misbehaved with the victim child and it was conveyed to her, but, she has not taken any steps to stop that while she was in her custody. He further states that the statement of the victim girl was recorded under Section 164 of Cr.P.C and the investigation was completed and the charge sheet was taken on file in S.C.No.120 of 2021, due to the pandemic situation, the case at initial stage.

5. Considering the facts and circumstances of the case and also the fact that the investigation was completed and charge sheet was also filed and also considering that she is being the mother of two children and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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 each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before **the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai**, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall direct to appear before the trial court for all hearing dates at 10.30 a.m., without fail and she shall not have any contact with the victim girl, failing which, the bail cancelled automatically;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;



[g]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;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
31/01/2022

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-4, ALL WOMEN POLICE STATION,
ILPAUK, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, PUZHAL, CHENNAI.

+1 CC to M/S. S. KASIRAJAN Advocate on payment of necessary charges SR.NO.1440

CRL OP.1915/2022

Date :31/01/2022

TA-01/02/2022