



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

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

Crl.O.P.No.3922 of 2022

S.Pushpalatha

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
W-33, Madhavaram,
Thiruvallur District.
(Crime No.29 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.29 of 2021, pending on the file of the The Inspector of Police, All Women Police Station, W-33, Madhavaram, Thiruvallur District.

For Petitioner : Mr.P.G.Thiyagu

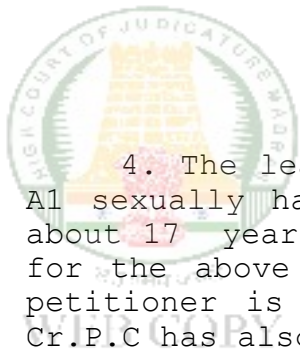
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 328, 376, 506(ii) IPC and Section 5 (f) (u) r/w Section 6, 11(5) r/w 12 and 17 of POCSO Act, 2012, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Sathya Narayanan/Al sexually harassed the defacto complainant by giving anesthesia and video graphed, by which, the petitioner along with one Sathya Narayanan frequently threatened her. Hence, the complaint.

3. The learned counsel for the petitioner would submits that petitioner was no way connected in this case and she has been falsely implicated in this case and she was suffering incarceration for more than 67 days from 18.12.2021. Hence, the learned counsel prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that Al sexually has harassed the defacto complainant when she was aged about 17 years and video graphed it, and the petitioner was abetted for the above occurrence and the investigation with regard to this petitioner is almost completed and the statement under Section 164 Cr.P.C has also been recorded.

6. Considering the above facts and circumstances of the case and also considering that the investigation was almost completed with regard to this 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 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 District Mahila Judge, Fast Track Court, Tiruvallur.

[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 appear before the respondent police on every Monday, Wednesday and Sunday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial, shall not have any communication with victim;

[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/-

25/02/2022

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 DISTRICT MAHILA JUDGE,
FAST TRACK COURT, TIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-33, MADHAVARAM, THIRUVALLUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.G.THIYAGU Advocate on payment of necessary
charges SR.No.3000

CRL OP.3922/2022

Date :25/02/2022

CSK 28/02/2022