



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13712 of 2022

MAHESWARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR.
(CR.NO.5/2020).

[RESPONDENT]

For Petitioner : M/S.K.K.N.GANESHAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

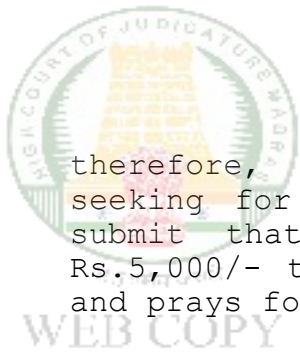
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 5(1)(n), 6 of POCSO Act, 2012 and later the Section of law altered as 5(1)(n) r/w 6, 5(a)(i), 5(a)(ii), 5(a)(iii), 9(a)(iii), 10 of POCSO Act, in Crime No.5 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused on the pretext of marriage had committed sexual assault on the victim girl aged about 16 years, due to which the victim girl got pregnant. It is alleged that the petitioner herein had taken the victim girl to the hospital for abortion. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail on 02.11.2020 in CrI.O.P.No.17074 of 2020. Due to Covid-19 pandemic situation, the petitioner could not able to execute the sureties and



therefore, the petitioner has again filed the present petition seeking for anticipatory bail. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.5,000/- to the credit of the Tamil Nadu Legal Services Authority and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to the credit of the Tamil Nadu Legal Services Authority, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the Tamil Nadu Legal Services Authority and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Fast Track Mahila Judge, Dharmapuri, Dharmapuri District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to the credit of the Tamil Nadu Legal Services Authority.

[c] the petitioner shall report before the respondent Police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

WEB COPY

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

15/06/2022

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 FAST TRACK MAHILA JUDGE
DHARMAPURI, DHARMAPURI DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1CC to M/S.K.K.N.GANESHAN Advocate on payment of necessary charges SR.No.9128

CRL OP.13712/2022

Date :15/06/2022

CSK 21/06/2022