



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11454 of 2022

B.SWETHA @ SWETHABAI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
W-17 ALL WOMEN POLICE STATION,
CHENNAI 600 082 (CRIME NO.05/2022)

[RESPONDENT]

For Petitioner : M/S.B.KALAIARASAN Advocate

For Respondent : MR.R.KISHORE KUMAR, Govt. Advocate (Crl. Side)

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 offences punishable under Sections 9(m), 10 and 21(1) of Protection of Child from Sexual Offence Act 2012(as amended) in Crime No. 5 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that father of the victim girl, aged about 16 years, has misbehaved with her. On the complaint given by one Lalitha, who is the member of the Child Welfare Committee, North Chennai, this case has been registered as against the father and mother of the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that in so far as the petitioner is concerned, she is arrayed as A2 and she happens to be the mother of the victim girl has been implicated as an accused. Therefore, he prays to grant anticipatory bail to the petitioners.

4. On perusal of the statement under Section 164 of Cr.P.C., reveals that there is no allegation against the petitioner, and she being the mother of the victim girl, has been implicated in this case. In fact, after the alleged occurrence, the petitioner attacked her husband by broomstick and he sought for apology. The petitioner did not commit any offence as against the victim girl.



5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 Special Judge, Special Court for Cases of POCSO Act, Chennai, 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 Judge 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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

[e] 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].

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

-sd/-

18/05/2022

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 JUDGE, SPECIAL
COURT FOR CASES OF POCSO ACT,
CHENNAI

2 INSPECTOR OF POLICE,
W-17 ALL WOMEN POLICE STATION,
CHENNAI 600 082

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.KALAIARASAN Advocate on payment of necessary
charges Sr.7123

CRL OP.11454/2022

Date :18/05/2022

RVR 23/05/2022