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Crl.O.P.No.22831 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

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THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22831 of 2022

Kavitha

..Petitioner

Vs.

State Rep.by the Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.49 of 2022 pending trial on the file of the learned Fast Track Mahila Court, Dharmapuri, Dharmapuri District.

For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.04.2022 for the offences punishable under Sections 342, 506(i) of IPC and Section 5(1) r/w. 6, 16 r/w.17 of Protection of Children from Sexual Offences Act 2012 in Crime No.9 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the victim girl is aged about 16 years and is studying 11th Standard. On 11.03.2022, when the victim girl turned back from the school, this petitioner/A2 asked her to come upstairs house and A1 had committed penetrative sexual assault on her in the presence of the petitioner. The petitioner has also threatened the victim girl not to disclose about this incident to any one. Hence, the complaint.

3. There are totally two accused, in which the petitioner is arrayed as A2. The victim girl is aged about 16 years and she also relative of the petitioner and staying along with them. The petitioner, being wife of A1, compelled the victim girl to have sexual relationship with the 1st accused, since she suffered some illness.

4. A perusal of the statement recorded under Section 164 Cr.P.C reveals that the petitioner had undressed the victim girl and she was holding the hands of the victim while the 1st accused was having penetrative sexual assault on the victim girl.



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5. Considering the above facts and circumstances of the case and taking note of the fact that the age of the petitioner and also period of incarceration i.e the date of arrest on 22.04.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall pay the interim compensation a sum of Rs.15,000/-(Rupees Fifteen Thousand only), by way of Demand Draft to the victim girl and on such payment, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood sureties, each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Dharmapuri, Dharmapuri District and on further conditions that :-

[a] 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 pay the interim compensation a sum of Rs.15,000/- (Rupees Fifteen Thousand only), by way of Demand Draft to the victim girl and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the Trial Court daily



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Morning at 10.30 a.m and Evening at 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation

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

[e] the petitioner shall not tamper with evidence or witness 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].

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

21.09.2022

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To

- 1.The Fast Track Mahila Court, Dharmapuri,
Dharmapuri District
2. The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court of Madras.



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4.Special Prison for Women,
Salem.

G.K.ILANTHIRAIYAN, J.

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