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CrI.O.P.No.24495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CrI.O.P.No.24495 of 2022

Kanchana

... Petitioner

Vs.

State, represented by
The Inspector of Police,
W.17, All Women Police Station,
Peravalur,
Chennai – 600 082.
(Crime No.15 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in connection with Crime No.15 of
2022 pending investigation on the file of Inspector of Police, W.17 All
Women Police Station, Peravalur, Chennai – 82 the respondent herein.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 16.09.2022 for the offences punishable under Section 506 (ii) of IPC and Sections 6 read with 5(1)(n), 12, 6 read with 17, 21(1) of POCSO Act, 2012 in Crime No.15 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that the victim girl was subjected to sexual assault by the A1 and the A2/petitioner herein had abetted the commission of the offence by A1. Hence the complaint.

3. The learned Counsel for the Petitioner submitted that the victim girl had preferred a complaint very lately after completing the age of majority for the offences that were alleged to have took place some years ago. As per the First Information Report, the petitioner is the mother of the victim girl and regarding the conduct of her father, it attracts offences under POCSO Act. Except this, there is no allegation as against the mother and she is



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working as UDC under Central Government. He further submitted that only on the instructions of the two daughters of the petitioner, the present bail petition has been filed seeking for grant of bail.

4. The learned Additional Public Prosecutor appearing for the Respondent vehemently opposed to consider the bail stating that the victim girl had already complained to her mother/petitioner herein and she had not taken any action. Therefore, the victim girl had lodged a Complaint.

5. Considering the submission made by the learned Counsel for the Petitioner and vehement objections made by the learned Additional Public Prosecutor for the Respondent, this Court is inclined to grant bail to the Petitioner.

6. Accordingly, 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 for a like sum to the satisfaction of the Special Court under POCSO Act, Chennai – 600 104. Further, one of the sureties shall be a blood relative.



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court under POCSO Act, Chennai – 600 104 obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme



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Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

mpl/vkr

To

- 1.The Special Court under POCSO Act,
Chennai – 600 104.
- 2.The Inspector of Police,
W.17, All Women Police Station,
Peravalur,
Chennai – 600 082.
3. The Central Prison Women,
Puzhal, Chennai - 66.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP.,J.

mpl/vkr

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