



Crl.O.P.No.26673 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.26673 of 2022

C.Narmada

... Petitioner

Vs.

State represented by,
The Inspector of Police,
W18 AWPS,
M.K.B.Nagar, Chennai.
(Crime No.635 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the Crime No.635 of 2022,
investigation almost finished on the file of the respondent.

For Petitioner : Mr.E.Anandababu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2022 for the alleged offences punishable under Section 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.635 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner is that the petitioner is a married woman with two children. She had induced the minor victim boy and had sexual intercourse with him on several occasions. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent. She is a married woman with two children and she has given as a asylum to the victim who was come out from his house, the parents of the victim minor boy has given a false complaint against her as if the petitioner having sexual relationship with the boy. He would further submit that the victim boy is stated to be 17 years during the relevant point of time and now he is having 18 years. He would further submit the boy was secured and now he is in the custody of his parents. He would further submit that the petitioner is in custody for the past 81 days. Hence, he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is a married woman with two children. She was deserted by her husband and she is living alone. He would further submit that she had induced the minor victim boy aged about 17 years and had physical relationship with him on several occasions. He would further submit that the boy has been secured. He would further submit that the statement of the minor victim boy has been recorded under Section 164 of Cr.P.C, wherein, the boy has stated that the petitioner had subjected him to physical affair on number of occasions. He would further submit that the investigation is pending. Hence, he would vehemently oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the minor victim boy and also considering the period of incarceration undergone by the petitioner.



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6. Taking into consideration the facts and submissions made by both counsel, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of Cases under the POCSO Act, Chennai** 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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.11.2022

Vv



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To

1. The Special Court for Exclusive Trial of Cases
under the POCSO Act, Chennai
2. The The Inspector of Police,
W18 AWPS,
M.K.B.Nagar, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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