



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7903 of 2022

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... Petitioner/Accused No.2

Vs

The State represented by.
The Inspector of Police,
Pathamada Police Station,
Tirunelveli District.
(Crime No.23 of 2022).

... Respondent/Complainant

For Petitioner : M/s.M.Banumathy,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. side).

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.23 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 01.03.2022 for the offences punishable under Section 366 (A) IPC altered into Section 366(A) IPC and Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.23 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused committed sexual assault upon the victim girl, who is aged about 13 years, with the help of the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the mother of the first accused and that she is innocent and she has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the victim girl, in her statement recorded under Section 164 Cr.P.C., has implicated the petitioner and the first accused in this case. He would further submit that medical tests are already over and that the first accused, who is 17 years old, was already produced before the Juvenile Justice Board and was released on bail.



5.No doubt, the earlier application for bail filed by the petitioner in Crl.O.P.(MD)No.5861 of 2022 was dismissed by this Court vide order dated 08.04.2022.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 01.03.2022 and that investigation is almost completed except receiving the medical test report, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/04/2022

/ TRUE COPY /

27/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL FOR WOMEN, KOKKIRAKULAM,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7903 of 2022
Date :27/04/2022

CSM
USK/PN/SAR-I/27.04.2022/3P/5C