



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

Date : 19/05/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD).No.9297 of 2022

Sunitha

... Petitioner/2nd Accused

Vs.

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
(Cr.No.10 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.C.Herold Singh,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.10 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Second Accused, who was arrested and remanded judicial custody on 30.03.2022 for the offences punishable under Sections 506(i) of IPC and Sections 5(1), 6 and 21(1) of POCSO Act, 2012, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.01.2022 at about 8.00 a.m., the first accused Rajaiyyan came to the house of victim and misbehaved with the petitioner's daughter. Based on the secret information received by the District Child Welfare Officer, the District Child Welfare Officer conducted an enquiry with the victim. Based on the complaint given by the District Child Welfare Officer, the respondent police registered a case and in that case the petitioner, who is the mother of the victim girl, is arrayed as 2nd accused.



3.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail by stating that the victim girl was abused by the first accused Rajaiyyan and for that, the petitioner, who is her mother, has helped him. Hence, she was implicated in this case. He would further submit that the statement of the victim girl was recorded under Section 164 Cr.P.C. and investigation is almost completed.

5.Since investigation is almost completed and the petitioner is the mother of the victim girl, this Court is inclined to grant bail to the petitioner.

6.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 Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari at Nagercoil.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/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 on every Saturday at 10.30 a.m., for a period of three months 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 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]***.

sd/-
19/05/2022

/ TRUE COPY /

19/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
KANNIYAKUMARI AT NAGERCOIL.
2. THE OFFICER-INCHARGE,
SUB JAIL FOR WOMEN, THUCKALAY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4758[I] dated
19/05/2022)

ORDER
IN
CRL OP (MD) No.9297 of 2022
Date :19/05/2022

vsd
USK/JM/SAR-III/19.05.2022/3P/6C