



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/06/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9766 of 2022

Vahitha Banu

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No.14 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.RAMESH KUMAR,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor
(Crl. side).

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

PRAYER :- For Bail in Crime No.14 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 22.04.2022 for the offences punishable under Sections 7 and 8 of Protection of Children from Sexual Offence Act, 2012, and Sections 9 and 10 of Child Marriage Act, 2006, in Crime No.14 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused tied thali to the defacto complainant's daughter, who was aged about 16 years, and at that time, the petitioner was also present there and also the first accused had sexually harassed the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. He would further submit that the first accused is still in judicial custody.

4.The learned Additional Public Prosecutor (Criminal Side) would submit that the petitioner is not having any previous cases.

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



5.Considering the nature of the offence alleged against the petitioner and also the facts that the petitioner is in judicial custody from 22.04.2022, that the main accused is still in judicial custody and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

(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/-
10/06/2022

/ TRUE COPY /

/ /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.



TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, MADURAI.

2 THE OFFICER INCHARGE
MADURAI SPECIAL PRISON FOR WOMEN,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMESH KUMAR S Advocate SR.No.5396

ORDER

IN

CRL OP(MD) No.9766 of 2022

Date :10/06/2022

SA/VR/SAR.3/10.06.2022/3P/6C