



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

Date : 22/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11044 of 2022

WEB COPY

S.Suba @ Subashini

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Perungudi Police Station,
Madurai.
Crime.No.8/2021

... Respondent/Complainant

For Petitioner : M/s.Loganathan S,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.8 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 28.05.2022 for the alleged offence under Sections 5(1), 6, 16, 17 Of POCSO Act, in Crime No.8 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.01.2022, the first accused eloped with the victim girl by giving false promise that he will marry her. The petitioner herein arranged a separate house for them where the first accused has committed sexual assault on the victim girl. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that on seeing the thaali on the neck of the victim girl, the petitioner thought that they are couple and arranged a rental house for their living. Al was already released on bail and the petitioner is in custody from 28.05.2022. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor submitted that the petitioner was arrayed as second accused in this case. She has knowledge that the victim girl is a minor girl. Investigation is completed and final report is made ready and the same is going to be produced before the concerned Court.

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5.Now the investigation is over and final report is made ready. Wherein, allegation has been made to the effect that the petitioner provided shelter to the first accused and the victim girl. Apart from that, no other allegation is made against the petitioner. The offence was only committed by A1. Even though, the observation by the Trial Court in the dismissal order stated that the first accused released on bail, but, no document is available and the respondent police are not in a position to inform the Court about whether A1 has been released on bail or still in custody.

6.Considering the period of incarceration and the fact that the final report has been made ready and going to be produced before the concerned Court, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge Special Courts Of Exclusive Trial Cases Under POCSO Act, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

22/06/2022

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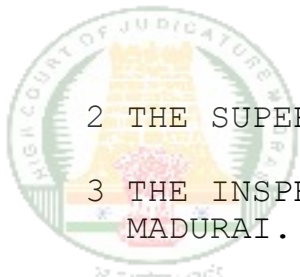
22/06/2022

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 SESSIONS JUDGE,
SPECIAL COURTS OF EXCLUSIVE TRIAL CASES UNDER POCSO ACT,
MADURAI.



2 THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, MADURAI.

3 THE INSPECTOR OF POLICE, PERUNGUDI POLICE STATION,
MADURAI.

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

+1 CC to M/s.S.LOGANATHAN, Advocate (SR-5914[I] dated 22/06/2022)

ORDER

IN

CRL OP(MD) No.11044 of 2022

Date :22/06/2022

RS/VR/SAR.3 (22.06.2022) 3P-6C