



Crl.O.P.No.7506 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376 (2) (n) of IPC and Sections 5(i), 5(j)(ii), 6, 21(1) of the POCSO Act 2012 r/w. Section 81 of Juvenile Justice (Care and Protection of Children) Act 2015, in Crime No.22 of 2022, seeks anticipatory bail.

2. The case in Crime No.22 of 2022 came to be registered on the complaint given by Karthikeyan, DCPC Officer, Government Office 2nd floor, Ariyalur District. As per his complaint, he had received an information from the Primary Health Centre, Manakudaiyan that a minor girl aged 17 years (deaf and dumb) had delivered a male child on 19.06.2022 and since she had not given any information about her husband, he had intimated to the higher officials and on 21.06.2022, he along with a Special Teacher, had enquired the victim girl for which, the victim girl had stated that she had delivered a male child on 19.06.2022 at 9 p.m.. The victim girl had further stated that she had not married but,



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she had affair with one Sakthivel S/o.Murugan, belongs to the same village and she had delivered the male child. She had also stated that during the year 2021, she had also delivered a female child and her mother had sold the child to someone. Based on the said information, the case has been registered for the offences under Sections 376 (2) (n) of IPC and Sections 5(i), 5(j)(ii), 6, 21(1) of the POCSO Act 2012 r/w. Section 81 of Juvenile Justice (Care and Protection of Children) Act 2015.

3. The learned counsel for the petitioner would submit that the petitioner is the mother of the victim girl and she hails from the lower strata of the Society and her daughter/the victim, without knowledge, had intimacy with the said Sakthivel/A1 and during the year 2021, she had delivered a female child and that the petitioner, due to poverty and without understanding the consequences, handed over the child to a childless couple in Thittakudi for upbringing of the child. Subsequently, the victim/daughter of the petitioner continued the relationship with said Sakthivel and also delivered a male child. He would submit that A1 has



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been arrested and enlarged on bail. Hence, he would seek for grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the mother of the victim. Earlier, the victim had delivered a female child through the said Sakthivel and the petitioner being the mother of the victim, had sold the child to one Rajendiran and his wife and the said Rajendiran has now been added as an accused/A3 in this case. Subsequently, the victim has also delivered a male child. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the Statement recorded under section 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is



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inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Mahila Court, Ariyalur**, on condition that the petitioner shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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 everyday at 10.30 a.m., until further orders.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 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.

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