



Crl.O.P.No.7759 of 2023

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and Crl.M.P.No.5193 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366, 376(3), 376(2)(n), 506(ii) of IPC and Sections 3(a) r/w.4(2) and 5(L) r/w.6 of the POCSO Act, 2012 in Crime No.6 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Manimekalai is that her younger daughter aged 15 years was studying 9th standard. On 07.03.2023, the Headmaster of the School had called her husband and informed that her daughter sick with stomach-ache and when she had enquired her daughter, her daughter had told that A1/Naveen after giving cool drink laced with sedative had committed penetrative sexual assault on her and his aunt one Sumithra/petitioner herein, who knew about that had taken her daughter to the hospital and



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attempted to abort the pregnancy and destroy the evidence and thereby, the defacto complainant had given a complaint to take action against the first accused and his aunt/the petitioner herein. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case since she happen to be a relative of the main accused. He would submit that the petitioner understands that there was a relationship between the first accused/Naveen and the daughter of the victim. The victim had asked the petitioner to accompany her to the hospital and other than that she has not done anything, whereas, due to a dispute between the said Naveen and the family of the defacto complainant, a false complaint has been given and the petitioner's name has been unnecessarily implicated in this case. He would submitted that the main accused in this case has been arrested and he is in custody and that the petitioner is ready to abide any stringent condition that may be imposed on her. Hence, he would seek for grant of anticipatory bail.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the relative of the main accused and she has permitted both of the main accused and the daughter of the defacto complainant in her house together, wherein, A1 had committed penetrative sexual assault on the victim girl and she has become pregnant. Later the petitioner had taken the victim to hospital for terminating the pregnancy. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would vehemently oppose to grant bail to the petitioner stating that the petitioner knowing well that there was a relationship between the first accused and the minor girl, had encouraged the first accused to commit sexual assault on the victim girl and later attempted to screen the evidence.

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



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7. Taking into consideration the fact that A1 is the main accused in this case and he has been arrested and there is no specific allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Special Court under the POCSO Act, Chengalpattu**, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[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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9. Connected miscellaneous petition is closed.

13.04.2023

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