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CrI.OP.No.20019 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20019 of 2023

Deivanai

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.334 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.334 of 2023 on the file of respondent Police.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 24.06.2023 for the offence punishable under Sections 342, 354 (b), 384, 109, 120 B I.P.C r/w Section 11 (2), 11 (5), 12, 13, 14 (1), 15, 17 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.334 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.334 of 2023 for the offences under Sections 342, 354 (b), 384, 109, 120 B I.P.C r/w Section 11 (2), 11 (5), 12, 13, 14 (1), 15, 17 of the Protection of Children from Sexual Offences Act, 2012. First accused has granted bail by the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri, on 30.08.2023. Petitioner is in judicial custody from 24.06.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that accused in this case are husband and wife. In connivance with each other, the nude photographs of victim girl was taken and that was used for threatening and demanding money.



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4.Considered the rival submissions and perused the records.

5.Considering the nature of allegations made against the petitioner, that she assisted her husband in taking nude photographs and then demanded money, that first accused was granted bail by the trial Court and that petitioner is in judicial custody from 24.06.2023, and that substantial part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri District**, and on further conditions that :-

[a] 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 daily at 10.00.a.m., until further orders.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri District.
- 2.The Inspector of Police,
Harur Police Station,
Dharmapuri District.
- 3.Central Prison (Ladies Jail), Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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