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CrI.O.P.No.5475 of 2024

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T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 354(B), 355 of IPC and Section 4 of TNWH Act @ Sections 294(b), 323, 354(B), 355 of IPC and Sections 11 & 12 of Protection of Children from Sexual Offence Act, 2012 in Crime No.419 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant viz., Saranya, is the daughter of the petitioner, who is studying X standard. Her father died five years before in the road accident and thereafter, the defacto complainant and her sister were residing at her grandparents house. Subsequently, the petitioner had illegal affair with A2 and they were residing separately. While so, the defacto complainant went to A1 and made request for money and getting her father's property, the petitioner abused the defacto complainant and A2 also abused the defacto complainant with filthy language and attacked her with iron rod and also A2 turned the dress of the defacto



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complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Mediation report received and it shows that the case was not settled (Failure).

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are totally 2 accused in this case and that the petitioner is A1. The first husband of the petitioner was died leaving behind the children including the victim girl and the petitioner/wife as legal representatives. Thereafter, the petitioner had developed illegal intimacy with A2. Now, the children is under the care of the maternal grandparents. He further submitted that the compensation amount was received by the petitioner



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and as on date, she is not co-operate with the mediation also. Therefore, the petitioner is not entitled to get/use the compensation amount in respect of the shares belongs to the victim girl. Hence, he raised strong objection for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the Mediation report.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) the petitioner is not entitled to get/use the compensation amount in respect of the shares of the victim girl.

(ii) the maternal grand parents of the victim girl is appointed as guardian to look after the victim girl until modified by the Court of law.



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8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Kalasapakkam, Tiruvannamalai District**, on condition that the petitioner shall execute a 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 as and when required for interrogation;

[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



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appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on anticipatory 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]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

31.07.2024

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Copy to: The defacto complainant



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