



CrI.O.P.No.10057 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.10057 of 2024

Durga @ Anbukkarasi

...Petitioner/A2

Vs.

State represented by
The Inspector of Police,
K-10, Koyambedu All Women Police Station,
Chennai.
(Crime No.63 of 2024)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.63 of 2024 on the
file of the respondent police.

For Petitioner : Mr.S.Panneer Selvan

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (CrI. Side)

ORDER



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The petitioner/A2, who was arrested and remanded to judicial custody on 05.02.2024 for the offence punishable under Section 120(b) IPC and Sections 17, 5(1), 5(i), 5(ii) r/w Section 6 of POCSO Act, 2016 in Crime No.63 of 2024 on the file of the respondent police, seeks bail.

2.It is stated that this petitioner along with other accused had forced the victim child to indulge in prostitution. The child had also become pregnant. Thereafter, a complaint was given before Child Welfare Committee. In the counter affidavit it had been very specifically stated that several persons had committed penetrative sexual assault on the victim girl who is a minor. The victim girl requires care and protection.

3.The specific overt act as against this petitioner is that she was directly involved in luring the victim girl to prostitution and had provided a place for such illegal activity.

4.Earlier petition seeking bail was dismissed on 26.03.2024 in CrI.O.P.No.10057 of 2024. The change in circumstance is that other accused who had been arrested had been granted bail.

5.The respondent have filed a counter affidavit, wherein it had been



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stated that they had recorded the statement of four witness and charge sheet has also been filed.

6.Taking that factor into consideration and also considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Sessions Judge, Special Court For Exclusive Trial of Cases under POCSO Act, Chennai, 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 10.30 a.m., until further orders.

[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



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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.

30.04.2024

smv

To

1. The Sessions Judge, Special Court For Exclusive Trial of Cases under POCSO Act, Chennai
2. The Central Prison for Women, Puzhal.
3. The Inspector of Police,
K-10, Koyambedu All Women Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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