



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.A.No.967 of 2024

Kala Sree

...Appellant

Vs.

1. The Superintendent of Police,
Thiruvannamalai.

2. The Inspector of Police,
Thiruvannamalai Rural All Women Police station,
Thiruvannamalai.
Crime No.09 of 2024.

3. The Executing Officer,
Social Welfare Department,
Thandrampet BDO Office,
Su.Pallipattu, Athuyur Post,
Thirupathur District.

...Respondents

Criminal Appeal filed under Section 14 A(2) of SC/ST Act, 2015 to set aside the order passed by the learned Sessions Judge, Principal POCSO Court, Thiruvannamalai in CrI.MP.No.1070 of 2024 dated 18.07.2024 and enlarge the appellant on bail concerned in Crime No.19 of 2023 on the file of the first respondent police.

For Appellant : Mr.P.Raja

For First Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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JUDGMENT

Appeal filed under Section 14A(2) of SC/ST Act seeking to quash the order dated 18.07.2024 made in CrI.MP.NO.1070 of 2024 on the file of the Learned Special Court for POCSO Act Cases, Thriuvannamalai and set aside the same by allowing the criminal appeal and enlarge the petitioner on bail in connection with the case in Crime No.09 of 2024 pending on the file of the respondent police.

2. It is the case of the appellant that the first accused has kidnapped the victim girl on 05.02.2024 and they have got married at Muthanur Murugan Temple. Out of the wedlock, the victim became pregnant. The appellant, who is a Doctor, is arrayed as A4 in this case. The accused 2 and 3 took the victim to the hospital where the appellant is working for abortion. The appellant has demanded a sum of Rs.42,000/- for aborting the foetus. On receipt of the said amount, the foetus was aborted illegally. Based on the complaint, the respondent police registered a case against the appellant and 3 others. In respect of the appellant/A4, the respondent police registered a case for the offence under Section 366, 376(1), 315, 318 read with 3(a), 4(1) and 5(j)(ii) read with 6(1) and 21(1)(2), 19(1) of POCSO Act and Section 9 of Prohibition Child Marriage Act and Section 3(2)(v) SC/ST Act. She was arrested and remanded to judicial custody on 10.07.2024.

3. Learned counsel for the appellant submitted that the appellant has not committed any offence as alleged by the prosecution. The petitioner is a Doctor.



Due to vengeance, a false case has been foisted against the appellant. He further submits that the appellant has been under incarceration from 10.07.2024. Hence, he prays for grant of bail.

4. Learned Additional Public Prosecutor appearing for the 1st and 2nd respondents vehemently opposed the bail and submitted that the appellant was well aware that the victim was minor at the time of the incident. The appellant has demanded a sum of Rs.42,000/- for aborting the foetus. On receipt of the said amount, the foetus was aborted illegally. All the aspects have been rightly considered by the court below, while dismissing the bail and, therefore, no interference is warranted.

5. This Court gave its careful consideration to the submissions advanced on either side and perused the materials available on record.

6. On perusal of the affidavit, it is seen that the foetus was terminated at the instigation of the other accused persons. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the appellant. Accordingly, this appellant ***is ordered to be released on bail*** subject to the following conditions:



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(i) the appellant 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 learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai District;

(ii) the appellant shall appear before the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai District first working day of every month at 10.30 a.m. until further orders;

29.07.2024

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Note; Issue order copy on 30.07.2024

Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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- To
1. The Superintendent of Police,
Thiruvannamalai.
 2. The Inspector of Police,
Thiruvannamalai Rural All Women Police station,
Thiruvannamalai.
 3. The Executing Officer,
Social Welfare Department,
Thandrampet BDO Office,
Su.Pallipattu, Athuyur Post,
Thirupathur District.
 4. The Sessions Judge, Special Court for Exclusive
Trial of cases under POCSO Act, Tiruvannamalai District
 5. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI, J.

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