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CRL O.P. No.19752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19752 of 2024
& CrI.M.P.No.11712 of 2024

1.Ramaiya
2.Maheswari

... Petitioners / Accused-2& 3

Vs

State rep. by:-

The Inspector of Police,
AWPS, Ariyalur.

... Respondent

[Cr. No.12 of 2024]

For Petitioners	: Mr.B.Mahendra Naidu
For Intervenor	: No appearance
For Respondent	: Mr.S.Vinoth Kumar Government Advocate [Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in Crime No. 12 of 2024 on the respondent police.



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.05.2024 for the offences punishable under Section 448 of IPC r/w Sections 7 and 8 of POCSO Act, 2012, in Crime No.12 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners are parents of A1. A1, with the help of the petitioners, entered into the house of the defacto complainant and committed sexual assault on the victim girl and also threatened the victim not to disclose the same to anybody. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are only parents of A1 and they have nothing to do with the alleged offence. He would further submit that A1 was released on bail. He would further submit that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that A1, with the help of the petitioners entered into the house of the defacto complainant and sexually assaulted the victim girl. He would further submit that the statement under Section 164 of Cr.P.C. of the victim girl has been recorded. He would also submit that A1 has been arrested and released on bail. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record. There is no representation for the intervenor.

6. Considering the nature of offence charged against the petitioners and the fact that the main accused in this case has been released on bail and also taking into consideration the number of days of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the



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satisfaction of the **Sessions Judge, Fast Track Mahila Court, Ariyalur**,
and on further conditions that:

[b] the petitioners shall report before the Sessions Judge, Fast Track Mahila Court, Ariyalur, on every Monday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

7.Connected Crl.M.P.No.11712 of 2024 is closed.

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To

- 1.The Sessions Judge, Fast Track Mahila Court, Ariyalur.
- 2.The Inspector of Police,
AWPS, Ariyalur.
- 3.Central Prison, Trichy.
- 4.Women Prison, Trichy.
- 5.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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