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CRL O.P. No.24420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.24420 of 2024**

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... Petitioner / A2

Vs

**State rep. by:-**

The Inspector of Police,  
Polur All Women Police Station,  
Thiruvannamalai District.  
(Crime No.14 of 2024)

... Respondent

**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.14 of 2024 on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate,  
[Criminal side]



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## **ORDER**

The Petitioner / A2 seeks bail in Crime No.14 of 2024 on the file of the respondent police for the offences punishable under Sections 332(b), 49, 65(1), 75, 78 of BNS Act and Sections 5(n) r/w 6, 17 of POCSO Act. The petitioner was remanded to judicial custody on 13.09.2024.

2.The case of the prosecution is that the petitioner / A2 is the maternal aunt of the victim girl and A1 is a person, who had illegal intimacy with A2. The victim girl used to visit A2's house during holidays. During that time, A1 had made love proposals to the victim girl and threatened her to marry him and also had a sexual relationship with her. The victim girl had informed the same to her mother. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the defacto complainant and A2 are close



relative. Due to family dispute, between A2 and defacto complainant, the defacto complainant had lodged this false complainant against the petitioner herein. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the statement of the victim girl under Section 183 BNSS was recorded. The allegation as against A1 is that, he is a married man and made a love proposal to the victim girl and threatened her to marry him and also had a sexual relationship with her. A2 is the maternal aunt of the victim girl, who helped A1 to commit the above alleged offence. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering the nature of allegations leveled against this petitioner and already the statement of the victim under Section 183 of BNSS was recorded and this Court also considered the statement of the victim, and no previous case pending against A2 and also considering all other aspects, this Court is inclined to grant bail to the petitioner subject



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to the following conditions:

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[a] 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 **Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai**, and on further conditions that:

**[b] the Petitioner shall report before the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, on every working day at 10.30 a.m., until further orders.**

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

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

[e] the Petitioner 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 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].

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

14.10.2024

smv



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- 1.The Special Court for Exclusive Trial of POCSO Act Cases,  
Tiruvannamalai.
- 2.The Inspector of Police,  
Polur All Women Police Station,  
Thiruvannamalai District.
- 3.Special Prison for Women, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J**  
smv

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