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Crl.O.P.No.26790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26790 of 2024

C.Jayashree

... Petitioner/A3

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Puzhal, Thiruvallur District.

(Crime No.19 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.19 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Arun

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.10.2024, seeking



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bail in Crime No.19 of 2024 registered for the offence under Sections 9(n), 9(l) r/w 10 of POCSO Act, 2012, @ Sections 9(n), 9(i) r/w 10 & 21 of POCSO Act, 2012.

2. The case of the prosecution is that the petitioner is the mother of the victim and she got married to one, Nandagopal twenty years ago and within few years of marriage, the said Nandagopal passed away and thereafter, the petitioner married the first accused, Chandran and she was living with him along with her children. She later came to know that her husband had misbehaved with the child born through her first husband and thereby she has taken steps to sent the daughter to her sister's house. Unfortunately, when the daughter had come to the house, A1 and his son had once again misbehaved with her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given. He further submitted that the petitioner is a lady dependent on her husband and despite her steps taken to protect her child, the incident had happened. He further submitted that there is no previous case against the petitioner and she has



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been in custody from 06.10.2024. He further submitted that the statement of the victim under Section 183(5) of BNSS has been recorded wherein she has not made any allegation against the petitioner. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner is the mother of the victim girl and her husband died few years ago and she was living with the first accused who is her second husband and whileso, the first accused and his son misbehaved with the victim girl. He further submitted that the statement of the victim under Section 183(5) of BNSS has been recorded and no previous case is pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the statement of the victim recorded under Section 183(5) of BNSS.

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Mahila Court, Thiruvallur**, 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 6.30 p.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned 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



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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 269 B.N.S.

14.11.2024

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To

1. The District Mahila Court, Thiruvallur.
- 2.The Inspector of Police,
All Women Police Station,
Puzhal, Thiruvallur District.
- 3.Central Prison for Women, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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