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Crl.O.P.No.28917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28917 of 2024

Durga

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
The AWPS, Ennore Police Station.
(Crime No.25 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.25 of 2024, pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Loganathan

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

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.09.2024, seeking bail in Crime No.25 of 2024 registered for the offence under Sections 75 of JJ act 2015, 9(i), 9 (m), 9 (n) r/w. 10 and 17 of POCSO Act.



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2. The case of the prosecution is that the victim girl is 4 years old and the accused are her stepfather and mother and they had physically and sexually abused her and had inflicted multiple injuries throughout her body. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submitted that due to matrimonial dispute, a false complaint has been given on the instigation of erstwhile husband mother. He also submitted that the petitioner is in custody from 14.09.2024 and she is also ready to abide by any stringent conditions that may be imposed by this Court. 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 would submit that petitioner is the mother of the victim girl and she along with other accused had physically and sexually abused her. He would further submit that victim had burn injuries in her body and she was secured.



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5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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 his executing 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 **Mahila Judge, Tiruvallur**, 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 stay at Cuddalore and report before the Inspector of Police, Old Town Police Station, Cuddalore, everyday at 10.30 a.m. for a period of four weeks and thereafter, report before the



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respondent police everyday 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 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 269 of B.N.S.

20.11.2024

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To

1. The District Mahila Judge (Fast Track Court),
Tiruvallur.
2. The Inspector of Police,
The AWPS, Ennore Police Station.
3. The Inspector of Police,
Old Town Police Station, Cuddalore.
4. The Superintendent,
The Central Prison, Puzhal-II.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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