



Crl.O.P.No.30181 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 115(2) of BNS, 2023 r/w. Section 6 of POCSO Act in Crime No.09 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the main accused one Mahalingam induced the minor victim girl, who is aged about 17 years and had sexual intercourse with her, made her pregnant and thereafter, cheated the victim girl. The petitioner herein is the mother of the main accused and she had also abused and assaulted the victim girl. Thereafter, the victim girl was admitted in the hospital, where the doctors had also confirmed that the victim girl is pregnant. Hence, this case.

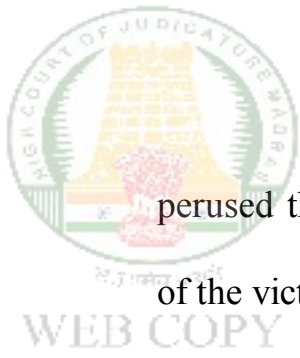
3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and her son one Mahalingam and the victim girl were school mates, loved each other and they indulged in physical intimacy, due to which, she got pregnant. He would further submit that, the petitioner received



notice u/s 35 of BNSS from the respondent and she had also appeared and given her statement on 16.09.2024. He would further submit that the main accused Mahalingam was arrested and thereafter, enlarged on bail. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner is the mother of the first accused, who had induced the minor victim girl and had sexual intercourse with her, due to which the victim girl got pregnant. He would further submit that the first accused, the petitioner herein and other relative of the first accused had abused, assaulted the minor victim girl and threatened the victim girl. He would further submit that 164 statement of the victim is also recorded and the main accused was arrested and enlarged on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and



perused the materials available on record including the FIR and 164 statement of the victim.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and the fact that the main accused was arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai** on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and 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 everyday at 10:30 a.m., for a period of one week and thereafter, every Saturday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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