



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30560 of 2024

1. Prathap .M
S/o. Raman, No.3/139, 4th street Ambedkar
Nagar, Karkur , Mailpatti Gudiyatham, Vellore
635 805.

2. Victoria

Petitioner(s)

Vs

The State Rep.By
The Inspector of Police, Gudiyatham AWPS,
Vellore District. Cr.No. 39 of 2024.

Respondent(s)

Criminal Original Petition filed u/s. 482 of BNSS, 2023 praying to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 39 of 2024 on the file of the respondent police.

For Petitioner(s): Balaji T

For Respondent(s): Mr.S.Santhosh, Govt. Adv. Crl.Side.

ORDER

Apprehending arrest in connection with Crime No.39 of 2024 registered for the offences punishable under Sections 65(1) of BNS and



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Section 5(1), 5(j), 5(ii), 5(n) and 6 of POCSO Act, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and false complaint has been given by the de-facto complainant. He would submit that the petitioners are close relatives of the de-facto complainant. He would further submit that no previous case pending against them and the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the first petitioner who is aged about 34 years, a relative of the victim minor girl, had committed penetrating sexual assault and due to which, she became pregnant. He would further submit that the second petitioner is the mother of the first accused. He further submits investigation is at the initial stage and 183 of BNSS statement of the victim minor girl is not yet recorded.

4. Taking into consideration of the submission made by the learned



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Government Advocate, the case is at the initial stage and 183 of BNSS statement is not yet recorded, this Court is not inclined to grant anticipatory bail to the first petitioner and therefore, this Criminal Original Petition is dismissed against the first petitioner.

5. Having heard the learned counsel for the 2nd petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the second petitioner/A2 with certain conditions and accordingly, she 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 of receipt of a copy of this order, before the learned Special Judge for POCSO Act cases at Vellore, on condition that the 2nd petitioner shall 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the 2nd petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand



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automatically cancelled;

[b] the 2nd petitioner and the sureties shall affix her 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;

[c] the 2nd petitioner shall report before the respondent Police everyday at 10.30am for a period of two weeks and thereafter every Saturday at 10.30 am until further orders;

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the 2nd petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court herself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

17-12-2024

MSM

To

1. The State Rep.By
The Inspector of Police,
Gudiyatham AWPS, Vellore District. Cr.No. 39 of 2024.
- 2.The Public Prosecutor, High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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