



CRL OP(MD). No.10486 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Rajeshwari,

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
All Women Police Station,
Madurai Town, Madurai District.
Crime No.13/2023.

... Respondent/Complainant

For Petitioner : M/s.Sangeetha.R,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To enlarge the Petitioner on bail in the event of her arrest in connection with Spl.SC No.11/2024 on the file of the Principal Special Court of POCSO, Madurai District, in Cr No.13/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/A2, who is facing a case for the offence under Sections 9, 5(1), 5(j)(ii) & 6 of the POCSO Act, in Spl.SC No.11/2024 on the file of the Principal Special Court of POCSO, Madurai District, in crime No.13 of 2023 on the file of the respondent police, seeks bail.

2.The petitioner was granted bail in Crl.MP.No.340 of 2024 with some conditions. The one of the condition is that she should not meet the victim girl until the evidence of the victim girl is completed. However, the petitioner brought the victim girl to the Court in order to get bail to A1, who is the husband of the petitioner and the biological father of the child of the victim girl. Since she has violated the conditions, bail granted to the petitioner in Crl.MP.No.340 of 2024 was cancelled. Hence, the petitioner filed this petition.

3.The learned counsel appearing for the petitioner would submit that the victim girl is having one month child. With regard to take care of that child, the victim girl voluntarily met with the petitioner. Hence, there is no violation on the part of the petitioner. Hence, he prays for anticipatory bail to the petitioner.



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4.The learned Additional Public Prosecutor would submit that the petitioner has violated the condition imposed in Crl.MP.No.340 of 2024 dated 24.01.2024 in order to get bail to A1. Due to which, bail granted in Crl.MP.No.340 of 2024 was cancelled. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Principal Special Court of POCSO, Madurai District, on condition that the 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix her photographs and left thumb



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impression in the surety bond and the Magistrate may obtain a copy of her Aadhar card or Bank pass Book to ensure her identity;

(b)the petitioner shall report before the trial Court for each and every hearing dates without fail;

(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 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/07/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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- 1 THE PRINCIPAL SPECIAL JUDGE OF POCSO MADURAI DISTRICT.
- 2 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI TOWN,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SANGEETHA, Advocate (SR-7899[I] dated 15/07/2024)

ORDER
IN

CRL OP(MD) No.10486 of 2024

Date :15/07/2024

SS/VR/SAR- /30/07/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023