



CRL OP(MD). No.17647 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17647 of 2024

Karupayee @ Kasthuri

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(Crime No.11/2024.)

... Respondent/Complainant

For Petitioner : M/s.S. Manojkumar, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.11 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody
on 14.06.2024 for the offences punishable under Sections 5(1), 5(j)(ii) r/w Section 6



CRL OP(MD). No.17647 of 2024

r/w Section 16 & 17 of POCSO Act, 2012, in Crime No.11 of 2024 on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that the petitioner is none other than the mother of the victim child, who is aged about 14 years. The paramour of the mother of the victim child had committed penetrative sexual assault upon the victim child several times. Even though, the same was informed to the petitioner, instead of taking action against the accused, the petitioner abused the victim child in filthy language. Thereafter, the victim child continuously faced the sexual harassment. Due to which, she become pregnant, and the same was also aborted. Hence, the complaint.

3.Heard both sides.

4.The allegations in this case are serious. The prime accused is said to be the paramour of the present petitioner. He is said to have committed penetrative sexual assault on the petitioner's daughter, who is the unfortunate victim child in this case. Only considering the fact that even though, the petitioner was arrested on 14.06.2024, a charge sheet is yet to be filed and that the petitioner being the mother of the victim child, allowed the other accused to exploit the victim child and that the child is now in a Home, and considering the argument of the learned counsel for the petitioner that the petitioner will file an undertaking affidavit that she will not never



CRL OP(MD). No.17647 of 2024

claim custody of the minor victim child and will not disturb her in any manner in future, this Court is inclined to grant bail to the petitioner on certain conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Principal Court for POCSO, Sivagangai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall stay at Madurai and report before the Mathichiyam Police Station daily at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;

(iii) As per the undertaking given by the petitioner, the petitioner shall file an affidavit before the trial Court that she will not never claim custody of the minor victim child and will not disturb her in any manner in future;

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.

vi) 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



CRL OP(MD). No.17647 of 2024

WEB COPY

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].

vii)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/10/2024

/ TRUE COPY /

17/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Sessions Judge,
Principal Court for POCSO, Sivagangai.

2.The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

3.The Superintendent,
Women Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). No.17647 of 2024

Copy to:

WEB COPY

The Inspector of Police,
Mathichiyam Police Station,
Madurai.

ORDER

IN

CRL OP(MD) No.17647 of 2024

Date :17/10/2024

ED/ /SAR- (17/10/2024) 5P / 6C

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