



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12361 of 2025

1.Parameswari

2.Prathap

.. Petitioners

Vs.

The State rep by
The Station House Officer,
Mettupalayam Police Station,
Puducherry.

(Crime No.53 of 2025)

.. Respondent

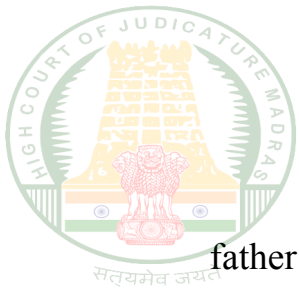
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.53 of 2025 on the file of the respondent.

For Petitioners : Mr.A.Murugavel

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor,
Puducherry.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 6 & 21(1) of POCSO Act
in Crime No.53 of 2025, seeks anticipatory bail.



WEB COPY

2. The case of the prosecution is that the first accused is the biological father of the victim girl aged about 17 years; that the victim's mother died six months before the occurrence; that the first accused thereafter committed penetrative sexual assault on the victim girl; that he lived with the first petitioner who is the third wife and the second petitioner, is the son of the first petitioner; that they were aware of the offences committed by the first accused and did not disclose the same to the Police and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the first accused has now been arrested and he is still in custody; that the petitioners have nothing to do with the alleged offences; that the allegation that they abetted the first accused is false and he sought for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor (Puducherry) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and



submitted that the first accused has been arrested; that the victim girl had made Section 183(5) BNS statement before the learned Magistrate and produced a copy of the statement.

5. This Court had perused the statement of the victim girl. The allegations are primarily against the first accused who has been arrested and is now in custody. The first petitioner herein is the third wife of the first accused and the second petitioner is the son of the first petitioner. The victim in her statement had stated that when she informed to the first petitioner about the occurrence, she reprimanded the first accused. Considering the aforesaid statement of the victim girl, the allegations against the petitioners and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on thier appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Fast Track Court, (Special Judge) POCSO Act, Puducherry** on condition that the



petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

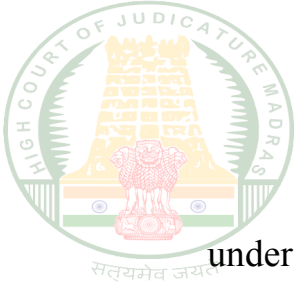
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 BNS.

WEB COPY

24.04.2025

Index : Yes / No

Internet : Yes / No

rkp

To

- 1.The Station House Officer,
Mettupalayam Police Station,
Puducherry.
- 2.The Fast Track Court, (Special Judge) POCSO Act, Puducherry
- 3.The Public Prosecutor,
Madras High Court, Chennai.



WEB COPY

Crl.OP.No.12361 of 2



SUNDER MOHAN, J.
rkp

Crl.O.P.No.12361 of 2025

24.04.2025