



WEB COPY



Crl.O.P.No.17258 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17258 of 2025

Aishwarya Shivaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
S-7, Madipakkam All Women Police Station,
Chennai - 600 041.

Crime No.692 of 2024

... Respondent

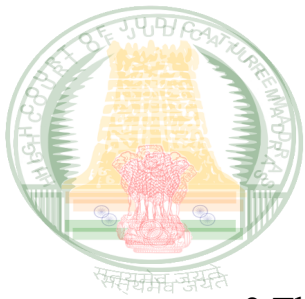
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.692 of 2024 on the file of respondent Police.

For Petitioner : Mr.Shriharan R

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under "Girl Missing" which was subsequently altered into Section 22 (3) of POCSO Act, 2012 and Section 212 of BNS r/w 61 (2) of BNS Act, 2023, in Crime No.692 of 2024, on the file of the respondent Police, seeks anticipatory bail.



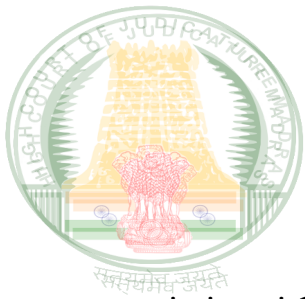
Crl.O.P.No.17258 of 2025

WEB COPY

2.The case of the prosecution is that, on 23.12.2024, the defacto-complainant's daughter went to tuition center. Everyday she used to call her mother around 8.30 p.m. after attending the tuition. But, on the said day, her mother did not received any call from her. Therefore, her mother gave a complaint. It is the further case of the prosecution that the petitioner's niece and the victim girl were studying in the same school. The victim girl made various allegations to the petitioner against her parents. Therefore, the petitioner gave a complaint to the Child Welfare Committee and thereafter the victim girl was taken to the Alandur Mahila Court and her statement was recorded. The petitioner had influenced the victim girl to made allegations against her parents. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that now the the



Crl.O.P.No.17258 of 2025

victim girl realised her parent's love and care, and she wanted to rejoin with her parents.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioner is not required, 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, Chengalpattu**, 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 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:



CrI.O.P.No.17258 of 2025

WEB COPY

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law



Crl.O.P.No.17258 of 2025

WEB COPY

as if the aforementioned 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)13 SCC 283]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

24.06.2025

ep

To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu
- 2.The Inspector of Police,
S-7, Madipakkam All Women Police Station,
Chennai - 600 041.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.17258 of 2025

M.NIRMAL KUMAR, J.

ep

Crl.O.P.No.17258 of 2025

24.06.2025