



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.19628 of 2025

S.Divya

Petitioner

Vs

The State Represented by
The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai.
(Crime No.Unknown of 2025)

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the Petitioner on anticipatory bail in the event of her arrest in Crime No.unknown of 2025 pending on the file of the Respondent Police and pass such further or other orders as this Court may deem fit to pass in the circumstances of the case.

For Petitioner : Mr.G.M.Gokul Ram

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.side)

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 12 of POCSO Act 2012, 75 JJ Act Care and Protection of Child 2015, in Crime No.Unknown of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner is the defacto-complainant's brother-in-law's wife. The petitioner got separated from her husband. Due to family dispute, she uttered abusive word towards defacto-complainant's Daughter in phone call and threatened her. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she is the wife of the defacto-complainant's brother-in-law. The petitioner had conversation with her husband and the same was projected as sexual abuse as against the defacto-complainant's daughter. The petitioner and her husband got separated and living separately since two years. They had applied for divorce in Alandur Mahila Court and the same is pending. Hence, the defaco-complainant foisted a false case as against the



petitioner. Hence, prayed for grant of anticipatory bail to the petitioner.

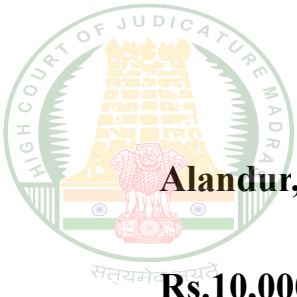
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4.Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner has no bad antecedents. However, he opposed for grant of anticipatory bail to the petitioner.

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 fact that the petitioner has no bad antecedents 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 **Additional Mahila Court,**



Alandur, 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:

[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



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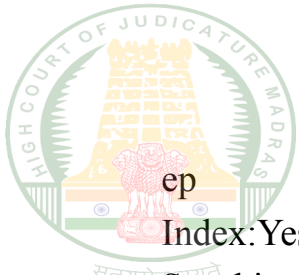
any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[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 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.

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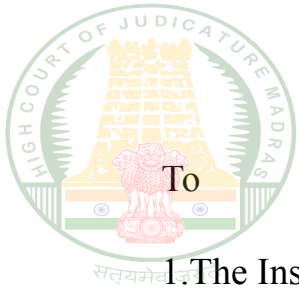
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

- 1.The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai.
- 2.The Additional Mahila Court,
Alandur.
- 3.The Public Prosecutor
Madras High Court.



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M.NIRMAL KUMAR J.

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