



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 14.10.2025

Coram:
The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.No.1172 of 2025

Seema Begum

...Appellant

Versus

1.State Rep. by
The Assistant Commissioner of Police,
Vepery, Chennai.
(Crime No.652 of 2024)

2.State Rep. by
The Inspector of Police,
K-3 Amjikarai Police Station,
Chennai – 600 029.

3.Sharfudeen

4.S.Usha

...Respondents

Prayer: This Criminal Appeal is filed under Section 14(A)(2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 praying to set aside the order dated 24.07.2025 made in Crl.M.P.No.1018 of 2025 against SPL.SC.No.28 of 2025 passed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and to allow the above Criminal Appeal by enlarging the appellant on bail.



WEB COPY



For Appellant : Mr.N.R.Elango,
Senior Counsel

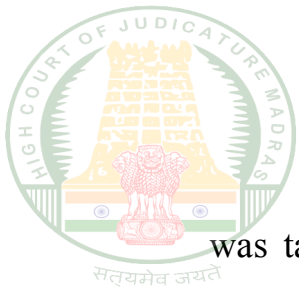
For Respondents – 1 & 2 : Mr.V.Meganathan,
Government Advocate (Crl.Side)

For Respondents – 3 & 4 : No Appearance

JUDGMENT

The present Criminal Appeal has been filed by the Appellant/Accused No.6 praying to set aside the Order dated 24.07.2025 in Crl.M.P.No.1018 of 2025 against SPL.SC.No.28 of 2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and to allow the Criminal Appeal by enlarging him on bail.

2. The case of the prosecution is that one Mr.Sharfudeen (*de-facto* complainant) is the owner of the house located at Door No.7, S1, Eden Castle, 2nd Floor, Sadasiva Metha Nagar, Aminjikarai, Chennai. He rented the said house to Mohammed Nishad (Accused No.2) and his wife Nivedha @ Naziya (Accused No.1). The victim girl aged about 14 years was working as a baby-sitter in the rented house of Accused Nos.1 & 2 and she

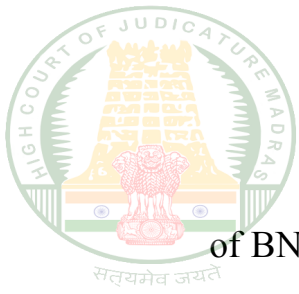


WEB COPY

was taking care of the child of Accused Nos.1 & 2. On 01.11.2024, 2nd respondent Police had received an information over a phone call that the victim girl who was working as baby-sitter in the rented house of Accused Nos.1 & 2 had died. Immediately, 2nd respondent Police went to the house of *de-facto* complainant. Since there was no spare key to open the door of the house, 2nd respondent Police broke open the house door and went into the house, where, the victim girl was found dead and her dead body with injuries was lying in the bathroom floor. Thereafter, 2nd respondent Police informed the *de-facto* complainant about the death of victim girl and asked him to come to his house. The *de-facto* complainant had lodged a complaint to 2nd respondent Police with regard to the alleged occurrence. Based on the complaint given by *de-facto* complainant, 2nd respondent Police registered a case in Crime No.652 of 2024 against the following six persons:

- (i) Nivedha @ Naziya (Accused No.1)
- (ii) Mohammed Nishad (Accused No.2)
- (iii) Lokesh (Accused No.3)
- (iv) Jayasakthi (Accused No.4)
- (v) Maheshwari (Accused No.5)
- (vi) Seemabegum (Appellant/Accused No.6)

Initially, the charges had been framed against the accused under Section 194



of BNSS, 2023. Later, upon investigation, respondent Police had altered the charges framed against the accused to Sections 61(2) r/w. 103(1) of BNS, 2023; Sections 5(1) r/w. 6(1) of POCSO Act, 2012; Section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015. The Appellant/Accused No.6 has been under the judicial custody since 02.11.2024, for the offences under Sections 143(4) of BNS, Sections 103(1) r/w. 49, Sections 238(a) r/w. 103(1) of BNS, Sections 16 r/w. 20 and Sections 18 r/w. 20 of Bonded Labour System (Abolition Act) 1976, Sections 3 r/w. 14 of Child and Adolescent Labour Act and Section 3(2)(v) of SC/ST Act. On 29.01.2025, the respondent Police has filed the Final Report before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. The said Final Report was taken on file in Spl.S.C.No.28 of 2025. Thereafter, the Appellant/Accused No.6 has filed a petition in CrI.M.P.No.1018 of 2025 seeking to grant her bail. The bail petition filed by the Appellant/Accused has been dismissed by the learned Sessions Judge vide Order dated 24.07.2025. Aggrieved by the same, the petitioner has preferred this Criminal Appeal before this Court.



WEB COPY

3. The learned Senior Counsel for the Appellant/Accused No.6 submitted that Appellant/Accused No.6 is the sister of Accused No.2. It is submitted that Appellant/Accused No.6 was arrested and was remanded to judicial custody only on the basis of confession statement given by her and not on the basis of any independent corroborative evidence.

3.1. It is also submitted by the learned Senior Counsel for the Appellant/Accused No.6 that the Appellant/Accused No.6 is no way connected to the alleged occurrence and she has been falsely implicated in this case, but, she has been under judicial custody for more than 9 months.

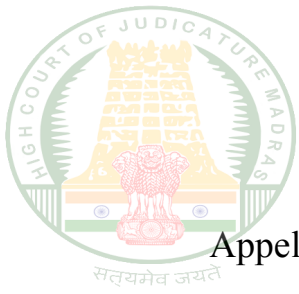
3.2. The learned Senior Counsel for the Appellant/Accused No.6 also submitted that the Appellant/Accused No.6 is 39 years old married woman and she has two children. Further, the Appellant/Accused No.6 has no previous criminal antecedents and she is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel for the Appellant/Accused No.6 prayed this Court to allow this Criminal Appeal and enlarge the Appellant/Accused No.6 on bail.



WEB COPY 4. On the other hand, the learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 submitted that the Appellant/Accused had engaged the deceased victim girl as a baby-sitter in the house of Accused Nos.1 & 2, where, the victim girl was brutally raped and murdered.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 that since the deceased victim girl belonged to Scheduled Caste, exploiting her communal and economic vulnerability, she was subjected to sexual torture and was murdered by Accused Nos.1 to 5. The Appellant/Accused No.6 along with other accused, screened the offences committed by the other accused and she also abetted the commission of said offences, indulged in trafficking.

4.2. The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 also submitted that the victim girl was sexually tortured and raped by Accused Nos.2 & 3. When Accused No.1 informed Appellant/Accused No.6 about the injuries sustained by the victim girl,



WEB COPY

Appellant/Accused No.6 instructed Accused No.1 that not to send the victim girl to her parents and to keep the victim girl in the house of Accused Nos.1 & 2. Based on the instructions given by Accused No.6, Accused Nos.1 & 2 stopped providing food to the victim girl three days prior to her death.

4.3. It is submitted by the learned Government Advocate (Crl.Side) that after the victim girl was murdered, Accused Nos.1 & 2 informed the Appellant/Accused No.6 who came to the scene and all the six accused conspired together to destroy the evidence. The Appellant/Accused No.6 along with other accused concealed the alleged occurrence and created a scene as if the deceased victim girl had committed suicide in the bathroom.

4.4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 submitted that the investigation was completed and the prosecution is ready for trial. It is also submitted that the Appellant/Accused No.6 is an influential person, if she is released on bail, she would abscond or she would tamper the witnesses.



WEB COPY

5. Despite the service of notice, there is no representation on behalf of the respondents 3 & 4.

6. Heard the learned Senior Counsel for the Appellant/Accused No.6 and the learned Government Advocate (Crl.Side) for the respondents 1 & 2.

7. As far as this case is concerned, Appellant/Accused No.6 had engaged the deceased victim girl as a baby sitter in the house of Accused Nos.1 & 2. It is alleged that Appellant/Accused No.6 had also involved in the rape and brutal murder of the deceased victim girl and she abetted the commission of offences under Section 103 of BNS and thereby, committed offence under Section 143 of BNS.

8. Considering the above facts and circumstances and also the period of incarceration undergone by the Appellant/Accused No.6 from the date of her arrest i.e., 02.11.2024, this Court is inclined to set aside the Order dated 24.07.2025 in Crl.M.P.No.1018 of 2025 and allow this Criminal Appeal by granting bail to the Appellant/Accused No.6.



WEB COM

9. Accordingly, the Order dated 24.07.2025 in CrI.M.P.No.1018 of 2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai is set aside and this Criminal Appeal is allowed. The Appellant/Accused No.6 is ordered to be released on bail subject to the condition that she shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and on further conditions that:

(a) The sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(b) The Appellant/Accused No.6 shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only), after deducting the amount which was already deposited by the Appellant/Accused No.6, if any, to the credit of Crime No.652 of 2024, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(c) On such deposit being made, the parents of the deceased victim girl shall withdraw the amount deposited by the Appellant/Accused No.6 in Crime No.652 of 2024, on



WEB COPY



proper identification, in the manner known to law.

(d) The Appellant/Accused No.6 shall report before the 2nd respondent Police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

(e) The Appellant/Accused No.6 shall not abscond either during investigation or trial.

(f) The Appellant/Accused No.6 shall not tamper with evidence or witness either during investigation or trial.

(g) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Appellant/Accused No.6, in accordance with law, as if the conditions have been imposed and the Appellant/Accused No.6 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.***

(h) If the Appellant/Accused No.6 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

14.10.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order



WEB COPY

- To
- 1.The Sessions Judge,
Special Court for Exclusive Trial
of Cases under POCSO Act,
Chennai.
 - 2.The Assistant Commissioner of Police,
Vepery, Chennai.
(Crime No.652 of 2024)
 - 3.The Inspector of Police,
K-3 Amjikai Police Station,
Chennai – 600 029.
 - 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



T.V.THAMILSELVI, J.

mrr

Crl.A.No.1172 of 2025

14.10.2025