



CRL OP (MD) No.4128 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Subbulakshmi

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Kodaikanal.
Crime No.1 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.Muthuvai Ilayaraja

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No. 1 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on 18.01.2025 for the alleged offences punishable under Sections 11(4), 12 and 17 of POCSO Act, 2012, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and the accused persons are neighbours. The defacto complainant's daughter, aged about 11 years, and the petitioner's son/A1 were in love with each other, and the petitioner/A2 also supported this relationship. Whenever the defacto complainant informed the petitioner/A2 about the same, there were quarrels between them. The petitioner/A2 even bought a phone and gave it to the defacto complainant's daughter to communicate with her son/A1 and encourage their love, despite being aware that the defacto complainant's daughter was a minor. When the defacto complainant warned his daughter three months ago, the petitioner attempted to commit suicide by consuming joint pain oil and was later saved after being admitted in the hospital. On

18.01.2025, at about 10:00 a.m., A1 brought the victim girl to his sister's house with



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the help of the petitioner/A2. When the defacto complainant arrived, the accused persons did not permit him to take his daughter. Hence, the case.

4. Mr.K.Muthuvai Ilayaraja, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and she has not committed the offence as alleged by the prosecution. He further submits that due to the love affair between A1, who is the son of the petitioner/A2, and the victim, she voluntarily came with him. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 18.01.2025, and that she has no previous case. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner/A2 was supporting her son/A1 to commit the offence. He further submits that the investigation is complete and the respondent-police is going to file the charge sheet. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 18.01.2025 and has been in judicial custody.

This Court is of the view that since the investigation is complete, further custody of



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the petitioner may not be necessary in this case. Considering the same and also considering the nature of offences alleged against the petitioner and the period of incarceration, and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Dindigul;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Dindigul, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected;



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(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall not directly or indirectly cause threat to the defacto complainant, victim girl, her family members and witnesses;

(vii) The petitioner shall furnish her residential address and mobile number to the learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act, Dindigul;

(viii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m., until further orders;

(ix) The petitioner shall not enter into the house or work place of the defacto complainant;

(x) The petitioner shall not try to contact the defacto complainant or victim either directly or through any electronic mode; and

(xi) On breach of any of the aforementioned conditions, the learned Sessions Judge, Principal Special Court of Exclusive Trial of cases under the POCSO Act,

Dindigul is entitled to pass appropriate orders against the petitioner in accordance



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with law as if the aforementioned conditions are imposed by him as laid down by the

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Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
05/03/2025

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05/03/2025

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

APD

TO

- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT OF EXCLUSIVE TRIAL
OF CASES UNDER THE POCSO ACT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KODAIKANAL
- 3 THE OFFICER INCHARGE,
SUB JAIL, NILAKOTTAI, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.4128 of 2025
Date :05/03/2025

SS/SAR- /05/03/2025/ 7P/5C

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