



CRL OP (MD) No.5719 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Shabanu

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Thilagar Thidal, Madurai District.
Crime No.8 of 2024

... Respondent/ Complainant

For Petitioner : Mr.S.Sivaprakash, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.8 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 13.01.2025 for the alleged offences punishable under Sections 11(1), 11(4) and 12 of the Protection of Child from Sexual Offences Act, 2012 altered into Sections 11(1), 11(4), 12 and 17 of the Protection of Child from Sexual Offences Act, 2012 and Section 201 of IPC, in Crime No.8 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is the father of the victim girl, while checking the mobile phone of the victim girl, found that A1 was in regular contact with his daughter through whatsapp and sent sexual messages and dirty pictures to his daughter and also came to know that the petitioner/ A2, who is the wife of the defacto complainant, also induced the victim girl to have a relationship with the petitioner. Hence the case.

4. Mr.S.Sivaprakash, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that she has not committed any offence as alleged by the prosecution. He further submits that the petitioner is none other than the biological mother of the victim girl and that the victim girl is now under the care and custody of her paternal aunt. He further submits that, in fact, the petitioner/ A2, the mother of the victim girl, has lodged a complaint against the defacto complainant for misbehaving with her daughter, and an FIR in Crime No.13 of 2024 was registered



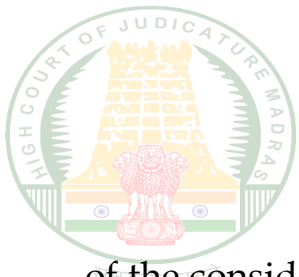
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for offences punishable under Sections 11(1), 11(2), and 12 of the Protection of Children from Sexual Offences Act, 2012. The defacto complainant was arrested and later released on bail. Due to the vengeance, the defacto complainant has lodged the false complaint against the petitioner (A2) and others. He further submits that the petitioner has been in judicial custody since 13.01.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation in this case has already been completed, and the charge sheet was filed before the concerned Court. He further submits that A1 has already been released on bail by this Court vide order dated 14.03.2025 in Crl.O.P (MD) No.3798 of 2025. He further submits that if this Court grants bail to the petitioner, she may cause a threat to the defacto complainant, the victim girl, and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the statement of the victim girl and records.

7. In view of the statement of the victim girl and also considering the fact that the petitioner is none other than the biological mother of the victim girl, this Court is



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of the considered opinion that the further custody of the petitioner is not necessary in this case for the Investigating Officer. The petitioner has a permanent residence. Therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration and taking note of the fact that A1 has already been released on bail by this Court vide order dated 14.03.2025 in Crl.O.P. (MD) No.3798 of 2025, 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 Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Madurai;

(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 Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases,



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Madurai;

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(iv) The petitioner shall appear and sign before the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Madurai, on all working days, at 10.00 am until further orders;

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

(vi) 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;

(vii) 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;

(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant, victim girl and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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

sd/-
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/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL WOMEN PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-3556[I] dated 27/03/2025)

ORDER IN
CRL OP(MD) No.5719 of 2025
Date :27/03/2025

RS/SKN/SAR-(28.03.2025) 6P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023