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CRL OP No. 3728 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 3728 of 2026

Khathijakubra @ Kathijatul

..Petitioner(s)

Vs

State Rep. by Inspector of Police

All Women Police Station,

Vaniyambadi,

Tirupathur District.

Crime No.2/2026.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail Crime No.2/2026 pending investigation on the file of the respondent and thus render justice.

For Petitioner(s): Mr.E. Kannadasan

For Respondent(s): Mr. A. Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.01.2026 for the offences punishable under Sections 64(1), 96, 49 of BNS 2023 and under Sections 3(a) r/w 4 of Protection of Children from Sexual



Offences Act, 2012, in Crime No.2 of 2026, seeks bail.

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2.The allegation against the petitioner / A2 is that the petitioner is the mother of the victim girl aged about 16 years and she allowed the A1 to take the victim girl to various places and allowed her to stay with him. Subsequently, A1 has committed aggravated penetrative sexual assault and based on the complaint lodged by the victim's father, the case has been registered and the petitioner has been arrested.

3.The learned counsel for the petitioner submitted that the petitioner is the mother of the victim girl and purely on suspicion, the victim's father has lodged the complaint and also there is a matrimonial dispute between the victim's father and mother. He also submitted that the petitioner is in custody from 02.01.2026 and the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and submitted that A1 and A2 both were arrested and this petitioner is ranked as A2. He further submitted that the investigation in this case is pending. Hence, he opposed for the grant of bail to the petitioner.



5. Considering the nature of allegations and the fact that the petitioner is the mother of the victim girl and she is in incarceration from 02.01.2026 and it is the allegation that she abetted A1 to commit the offence and also considering the statement of the victim girl, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Court of Sessions Division of Tirupattur District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]*;

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

16-02-2026

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.State Rep. by Inspector of Police
All Women Police Station,
Vaniyambadi,
Tirupathur District.
Crime No.2/2026.
- 2.The Court for Sessions Division of
Tirupattur District.
- 3.The Special Prison for Women, Vellore.
- 4.The Public Prosecutor, High Court of Madras.



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CRL OP No. 3728 of 2



K.RAJASEKAR, J.

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CRL OP No. 3728 of 2026

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