

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**AB No. 4 of 2019**

Mrs. Bimola Salam aged about 44 years W/o  
Ningthoujam Suranjan Singh, Wahengbam Leikai  
Makha Leirak, Imphal (MCI) (Major part), P.O. &  
P.S. Imphal West, Manipur

.... *Petitioner*

- Versus –

1. The State of Manipur represented by the Public Prosecutor (High Court) by the Public Prosecutor (High Court) Manipur at Imphal.
2. The Officer-in-Charge, Senapati Women Police Station at Senapati, Manipur, 795106.

.... *Respondents*

BEFORE  
**HON'BLE MR. JUSTICE MV MURALIDARAN**

29.04.2019

[1] Mr. N. Premkumar Singh, learned counsel appears for the petitioner and Mr. Y. Ashang, learned Public Prosecutor appears for the respondents.

[2] The petitioner who approach this Court and filed this Anticipatory Bail Petition praying this Court for grant of Pre-arrest for Anticipatory Bail in the case in FIR No. 1(2)2019 WPS–SPT for the offences under Section 8/21 of POCSO Act read with 120 B of IPC.

[3] The case of the petitioner is that she is the permanent resident of Wahengbam Leikai Makha Leirak Imphal and false case was registered against this petitioner.

[4] The petitioner further submits that she is House Mistress, Aravali and Nilgiri Senior Girls of Navodaya Vidyalaya Samiti, Mao-Maram who is looking for the welfare of many students currently studying and residing in the Residential cum School at Mao from July 2015 and the petitioner is a working women having a family inclusion of child and other members.

[5] The petitioner submits that on 21.02.2019, the respondent/Police came to the petitioner house and searching for arrest on the allegation that a case was registered against this petitioner and she was arrest as an accused No. 7 in the FIR. This gave shocked and surprised to the petitioner. Being a lady, how the POCSO Act has been registered against this petitioner for the offences under Section 8/21 of POCSO Act read with 120B of IPC.

[6] The petitioner fairly submits that the allegation of the FIR as well as the prosecution case that the petitioner omission was affected to the proviso of Section 21 of POCSO Act, on failure to inform to the Police of the offence committed by one of its students who is the accused No. 1 who is the Principal of the School. Except the said allegation, there is no other allegation against this petitioner but her name was falsely implicated.

[7] The petitioner further states that this occurrence was not brought to the knowledge of the petitioner and apart from them, the proceedings undertaken by the Authority that is Samiti is similar

under the state and whatsoever the petitioner is no member of the enquiry team but she was just an informant as being the House Mistress, Aravali and Nilgiri Senior Girls of Novadya Vidhyalaya Samiti Mao-Maram and arrayed as an accused are in contravention to the statutory and constitutional rights guaranteed to the petitioners under the Code of Criminal Procedure as well as Articles 19 and 21 of the Constitution of India. Apprehending the arrest, the petitioner approached this Court and filed the above Anticipatory Bail.

[8] On the receipt of the notice, the prosecution has filed objection affidavit-in-opposition on behalf of the respondent Nos. 1 and 2.

[9] The case of the prosecution is that the prosecution upon receiving information 21.2.2019 at 10.30 a.m. via e-mail from the National Commission for the Protection of Child Right to the Superintendent of Police, Senapati by alleging one individual by namely Mr. Sanjay Kumar Yadav aged about 42 years who is presently serving as the Principal of JNV, Maram Senapati committed sexual assault on the minor student girl studying in Class 10 of the said JNV on 18.1.2019 at about 4:30 p.m. in the School Campus. Therefore, an FIR was registered under the Suo Motto against the said person and others.

[10] The further case of the prosecution is that during the

course of investigation, the officer in charge an inquiry was done and sketch map was prepared and also examining the victim girl and recorded a statement under Section 161 Cr.P.C. and the statement is collaborated with the O/E. Therefore, on the same day the main accused by namely Mr. Sanjay Kumar Yadav was arrested and interrogated thoroughly and during investigation, he admitted his guilty of committing the alleged of offence. Thereafter, the statement of the victim was also recorded under Section 164 Cr.P.C. by the JMJC Kangpokpi on 22.02.2019. The said main accused was remanded to the Judicial Custody on 25.02.2019 by the concerned Judicial Magistrate after the completion of the Police remand.

[11] The prosecution also states that during the course of investigation, it is revealed that the other co-accused namely the FIR including the present petitioner also committed an offence liable to be punished under Section 19(1) of POCSO Act as they failed to report/furnished the information to any concerned Police Station, inspite of fully knowing /having full knowledge at the first instant about the said incident. During the course of further investigation, all the other co-accused were summoned under Section 41(A) of Cr.P.C. and their statement were recorded under Section 161 Cr.P.C. and also the documents produced by the said JNV Authorities concerned were seized by duly following all the

formalities in the presence of the witness. The Deputy Commissioner, NVS Shillong namely, R.K. Gupta was summoned and appeared before the investigating authority and recorded the statement under Section 161 of Cr.P.C. and also seized with the Enquiry Team Report in original conducted by the Departmental Authorities on his protection. He also admitted that he has not reported the incident to any Police Station or any competent authority.

[12] The prosecution further states that this petitioner is actively involved in this offence particularly this petitioner failed to report/furnished the information to any concerned Police Station. Inspite of having full knowledge at the first instant about the said incident which attracted the provision under Section 19(1) of POCSO Act. Therefore, the prosecution is strongly opposing the bail granted to the petitioner.

[13] Today, I have heard Mr. N. Premkumar, learned counsel for the petitioner and Mr. Y. Ashang, learned Public Prosecutor appears for the respondents and perused the records under the affidavit-in-opposition filed by the respondents.

[14] Admittedly, the case was registered against one Mr. Sanjay Kumar Yadav who is accused No. 1 in this FIR and the offences under Section 8/21 of POCSO Act read with 120 (B) of IPC has been registered.

[15] The prosecution admitted that this petitioner being the

employee of the School and having full knowledge of the said incidence she has not disclosed to the authority concerned or concerned Police Station. Therefore, the offence under Section 19(1) of POCSO Act is attracted against this petitioner in this case.

[16] It is admitted that the offences under Section 19(1) of POCSO Act alone will be attracted against this petitioner and no offences will be attracted as per the affidavit-in-opposition filed by the respondent/police. Therefore, being a lady and employee of the School, I am inclined to consider the Anticipatory Bail Petition in favour of the petitioner and to pass the following orders.

In the result:

(A) The petition for Anticipatory Bail is allowed.

(B) The petitioner is directed to execute a sureties for like sum of rupees 25,000/ (Rupees Twenty five thousand) each to the satisfaction of the Chief Judicial Magistrate, Imphal West.

(C) The petitioner is directed to appear before the respondent/police as and when required.

(D) The petitioner is directed not to temper or hamper the witnesses.

Issue copy on 22.11.2019.

**JUDGE**

*Lynda*

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TONEN  
MEITEI

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