



Crl.OP.No.5202 of 2022

Dr.G. JAYACHANDRAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 10 r/w 9(1) 9(n) 21(1) and 17 of POCSO (Protection of Child from Sexual Offences Act 2012) in Crime No.1 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is the mother of the victim girl/defacto complainant. Based on the complaint emanated through Child Help Line, a case was registered against one Venkatesan and this petitioner for the alleged offence under Section 10 r/w 9(1) 9(n) 21(1) and 17 of POCSO Act. Earlier, anticipatory bail filed by this petitioner is dismissed as withdrawn in Crl.OP.No.3194 of 2022 dated 10.02.2022. Further, the second anticipatory bail petition is filed by stating that change in circumstances particularly, 164 Statement of the Victim Girl recorded by the Judicial Magistrate on 03.03.2022.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the Statement of the victim girl under Section 164 of Cr.P.C has been already recorded, investigation is about to be completed.

4. In view of the above fact and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the *learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai* on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the Investigation Officer daily at 10.30 a.m., until further orders ;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 is 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]***; and

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv/gv

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