



Crl.O.P.No.15492 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(a), 4(2), 17 of POCSO Act and Section 506(i) of IPC in Crime No.20 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 23.06.2022, at about 9.00 p.m. when the *de-facto* complainant returned home after completing his work, he found the victim girl crying. The victim girl had informed him that on the same day she went to the house of the petitioner and the petitioner had locked her inside the house along with one Santhosh. The said Santhosh is alleged to have committed rape on the victim girl and threatened her with dire consequences. Hence, the complaint.

3. There are two accused, in which the petitioner is arrayed as A2. According to the case of the prosecution, A1 had taken the victim girl aged about 15 years to the house of the petitioner and the petitioner



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locked the house, prevented the victim girl to come out. Thereafter, A1 had committed penetrative sexual assault on the victim girl.

4. The learned counsel for the petitioner would submit that even before the date of occurrence, on 21.06.2022, the petitioner herein lodged a complaint as against the *de-facto* complainant and she was issued with C.S.R.No.412 of 2022. Therefore, the present complaint is given as a counter blast and no such occurrence had took place according to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, on



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condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.**



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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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