



Crl.O.P.No.16282 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 366 IPC r/w Section 6 and 5(L) of POCSO Act in Crime No.267 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that a minor girl aged about 17 years old was missing and the first accused was also missing. Both were eloped somewhere and till today, whereabouts of the couple were not known. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the 1st accused whereabouts not known for the past 14 months and they have no connection with the 1st accused sofar. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that a minor girl aged about 17 years was missing and the 1st accused was also missing. The 1st and 2nd petitioners are mother and brother of A1. The



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3rd petitioner is the relative of A1. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Senthamangalam, Namakkal District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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.



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[b] the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

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