



Crl.O.P.No.17406 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 363, 365, 366, 376(3) and 109 of IPC r/w Sections 17, 4(2) of POCSO Act, 2012, in Crime No.149 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 fell in love with the daughter of the defacto complainant who is aged about 16 years and had physical relationship. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 4 accused in which the petitioners are arrayed as A2 to



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A4, A2 and A3 are the father and mother of the first accused. The first accused fell in love with the victim girl who is aged about 16 years and had physical relationship. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally 4 accused in which the petitioners are arrayed as A2 to A4. A1 fell in love with the daughter of the defacto complainant and had physical relationship. The petitioners herein are the relatives of A1. A1 was already arrested and remanded to judicial custody.

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

7. 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 made ready, before the



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learned District Munsif Cum Judicial Magistrate at Gummidipoondi, on condition that each of the petitioners 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 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.

[b] the petitioners shall report before the respondent police 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.07.2022

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