



Crl.O.P.No.17470 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 294(b) of IPC and Section 5(I), 5(j),(ii) r/w Section 6 of POCSO Act, in Crime No.06 of 2021, seeks anticipatory bail.

2. It is the case of the prosecution that A1 fell in love with the victim girl and both have eloped and got married and also gave birth to a male child. It is further alleged that the petitioner and other accused abused the defacto complainant in filthy language. Hence, the present case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that A1 fell in love with the victim girl aged about 16 years and also married her. The petitioner herein is the mother of A1. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally 2 accused in which the petitioner is arrayed as A2, who is the mother of A1. A1 fell in love with the victim girl aged about 16 years and they got married and also gave birth to a male child. The first accused was also released on bail. As far as the petitioner is concerned, she has nothing to do with the crime as alleged by the prosecution.

6. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Mahila Court/Special Court under POCSO Act, Cuddalore, on 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 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.



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

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

26.07.2022

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