



Crl.O.P.No.17697 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 363, 294(b) & 323 of IPC in Crime No. 182 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had kidnapped her minor daughter. Hence, the complaint.

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.

4. The learned Additional Public Prosecutor would submit that the petitioner's son had love affair with the defacto complainant's daughter and eloped. In this regard, the defacto complainant lodged a complaint and FIR was registered in Crime No.244 of 2022 for the offences punishable under Section 366 of IPC r/w.5(1) and 6 of POCSO Act. The petitioner's son was arrested and remanded to judicial custody. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. It is seen that after arresting the petitioner's son, again the victim girl, on instructions given by the petitioner, went to prison and see her lover. At that juncture, when the parents of the victim requested to come with them. However, she refused.

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

7. Accordingly, the petitioner is 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 No.I, Vellore, Vellore District, 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 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. State of Kerala [(2005)AIR SCW 5560]**.

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

28.07.2022

Lpp



WEB COPY



Crl.O.P.No.17697 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No. 17697 of 2022

28.07.2022