



Crl.OP.No.18248 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 376(2)(n) IPC and Sections 5(1) r/w Section 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.937 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is about 18 years lodged a complaint before the respondent police stating that one Sudhakar/A1 had physical relationship with her when she was unconscious and thereafter, the defacto complainant got pregnant and delivered a child on 24.12.2021. The allegation against the petitioner is that, she being relative of A1, attempted to abort the child of the victim girl/defacto complainant.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the



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prosecution and she has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that accused A1 and the victim girl had love affair and had physical relationship and thereafter the victim girl got pregnant and delivered a child. The allegation against the petitioner is that, she being relative of A1, attempted to abort the child of the victim girl/defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case and considering that the victim girl/defacto complainant and A1 are now living their life happily, custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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



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from the date on which the order copy made ready, before the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai 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

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

03.08.2022

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