



Crl.O.P.No.19921 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 Section 366(A) IPC and Section 6 of POCSO Act, in Crime No.164 of 2021 on the file respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1/Prabhudas kidnapped the victim girl, who is aged about 16 years and married the girl and had sexual intercourse. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that already this Court by an order dated 16.07.2021 in Crl.O.P.No.12355 of 2021, granted anticipatory bail to the petitioners. However, the petitioners have not comply with the condition. Now, the petitioners are ready and willing to comply with the condition imposed on them and further the petitioners are ready to deposit a cost of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority** and prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) submitted that A1 tied Thali to the victim girl, who is aged about 17 years and had sexual intercourse with her. He further submitted that the victim girl was subjected to medical examination and she had given statement u/s 164 Cr..C. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is pertinent to note that this Court, already by an order dated 16.07.2021 granted anticipatory bail to the petitioner in Crl.O.P.No.12355 of 2021. However, the petitioners have not comply with the condition. The learned counsel for the petitioners submitted that now the petitioners are ready and willing to comply with the condition.

6. Considering the facts and circumstances of the case and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.5,000/- to the credit of the Tamil Nadu Legal Services Authority, this Court is inclined to grant anticipatory bail to the petitioners,



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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 (15) days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gudiyatham, 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 shall deposit a cost of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority**.

[b] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;



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[c] 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.

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]***.

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

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