



Crl.O.P.No.19690 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 323 of IPC 1860 and Section 11(1) of POCSO Act 2012 in Crime No.61 of 2022, seeks anticipatory bail.

2. There are totally four accused involved in this case, in which, the petitioner has been arrayed as A4 and he is the friend of first accused/A1. The case of the prosecution is that the first accused/A1 gave torture to the minor victim girl to love him, the same was informed to her parents and they warned A1. Thereafter, A1 along with his friends including the petitioner herein/A4 went to the victim girl's house and abused and assaulted the victim girl's grand parents. Due to mental stress, the minor victim girl consumed poison and immediately she was hospitalized. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is the friend of A1 and the allegation against him is that the petitioner/friend has helped the first accused. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the first accused/A1 was arrested and enlarged on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall file an undertaking affidavit before the learned Magistrate concerned that he will not indulge in any



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similar kind of activities in future and on such undertaking, 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 learned Sessions Judge, Fast Track Mahila Court, Dharmapuri*** 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 file an undertaking affidavit before the learned Magistrate concerned that he will not indulge in any similar kind of activities in future.**



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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