



Crl.O.P.No.20063 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 366, 344 and 302 IPC r/w Sections 5(i), 6 and 17 of POCSO Act, 2012, and Section 9 and 10 of Child Marriage Act, 2006, in Crime No.119 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the first accused was son of the petitioner and the second accused is the husband of the petitioner. The first accused kidnapped the victim girl and married her and he was committed offence of sexual penetration against her willingness. Further, the petitioner harassed the victim girl and murdered her brutally. 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 to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner is the mother of the first accused. The first accused kidnapped the victim girl and had sexual intercourse and murdered her. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are three accused in this case in which, the petitioner is arrayed as third accused and she is the mother of the first accused. Even according to the case of the prosecution, the first accused got married with the victim girl, who was aged about 13 years and thereafter, he had sexual intercourse with her and assaulted her. Due to which, wordy quarrel arose between them and the first accused attacked the victim girl by pipe and as such she succumbed to the injuries. As far as the petitioner is concerned, she is the mother of the first accused and there is no specific over tact as against the petitioner. At present, the investigation has been completed and final report also filed in Special S.C.No.74 of 2022.



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6. Considering the above facts 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram, 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.



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[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.

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