



Crl.OP.No.20529 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 323, 506(i), 376(3) IPC and Section 5(j)(ii), 5(I) and 6 POCSO Act in Crime No.4 of 2022 on the file of the respondent police, seek anticipatory bail.

2. It is seen that there are totally four accused, in which the petitioners are arrayed as A2, A3 and A4. The case of the prosecution is that the defacto complainant, who is the mother of the victim girl lodged a complaint before the respondent police alleging that A1 forcibly took the victim girl and committed penetrative sexual assault against the victim girl. Due to which, she became pregnant. When the same was questioned by the victim girl's parents, the petitioners alleged to have scolded them with filthy language and also beaten the victim girl.

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



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prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that A1 forcibly took the victim girl and committed penetrative sexual assault against the victim girl, who aged about 15 years old. Due to which, she became pregnant. When the same was questioned by the victim girl's parents, the petitioners alleged to have scolded them with filthy language and also beaten the victim girl. He would further submit that the Statement has also been recorded by the victim girl. Further, A1 has been arrested and remanded to judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the petitioners are only the family members of A2, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

6. Accordingly, the petitioners are ordered to be released on bail



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in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for POCSO Act Cases, Vellore, on condition that the petitioners shall execute a 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 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 petitioners 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.

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

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

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[e] 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]**.

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

29.08.2022

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