



Crl.O.P.No.21501 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who are apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 354 IPC r/w.Sec 8 and 12 of POCSO Act 2012 in Crime No.267 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the complaint was given by one Cithra that her minor daughter was missing, a case in Cr.No.267 of 2022 was registered by the respondent police, during the course of investigation it was found that one Juvenile in conflict with law had kidnapped the victim and took the victim to the parents house, grand parents house and relatives house and had committed non penetrative sexual assault on the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely roped in this case, the first petitioner's son had love affair with the daughter of the defacto complainant, while they were studying in school. Both of them have eloped without the knowledge of their parents and later they have been secured and



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presently the boy is admitted in the Juvenile home. He would submit that the petitioners are innocents and they do not know anything about the affair between the victim girl and the Juvenile. He would submit that they are ready to appear before the respondent for investigation.

4. The learned Government Advocate (Crl side) would submit that the petitioners are respectively the parents, grand parents and relatives of the Juvenile in conflict with law and the juvenile and the defacto complainant's daughter were classmates in school and they eloped without the knowledge of the victim's parents and the petitioners abetted the offence. The petitioners knowingly harboured the juvenile in conflict with law and the victim in their house. The victim girl was secured and handed over the custody to the mother/defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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6. 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 copy of the order is made ready, before the Mahila Sessions Court, Thiruvvallur, 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 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 at 10.30 a.m., for a period of one week 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.

[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].

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

7. With the above directions, this Criminal Original Petition is ordered.

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