



Crl.O.P.No.24853 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(I), 5(j), (ii), (n) r/w 6 of Prohibition of Child from Sexual Offence Act 2012 and 313 I.P.C., in Crime No.19 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 1st accused committed penetrative sexual assault on the victim minor girl, due to which, she became pregnant and thereafter she has taken abortion pills following which her pregnancy got aborted. Hence the complaint.

3.Learned counsel appearing for the petitioners submitted that he is not pressing the petition in respect of the 1st petitioner. As far as the 2nd petitioner is concerned, she is only the mother of A1 and she was not aware of the relationship between A1 and the victim girl. Accordingly, he seeks anticipatory bail for the 2nd petitioner herein.



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4.Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for the grant of anticipatory bail stating that the 1st petitioner / A1 had committed penetrative sexual assault on the victim girl, due to which, she became pregnant and thereafter she has taken abortion pills following which her pregnancy got aborted. He added that investigation is pending and he would oppose anticipatory bail in respect of the 1st petitioner / A1, who has got five previous cases. He is a robbery accused. He further stated that the statement of the victim minor girl under Section 164 Cr.P.C. has also been recorded.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police. Perused the materials including the statement recorded under Section 164 Cr.P.C.

6.Since the petition in respect of the 1st petitioner / A1 is not pressed, the same stands dismissed as against the 1st petitioner / A1. However, on a perusal of the 164 Cr.P.C. statement recorded from the victim



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girl, there is no specific allegation as against the 2nd petitioner, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Salem, on condition that the 2nd petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 2nd 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 2nd petitioner shall report before the respondent Police



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every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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