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Crl.O.P.No.25368 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 354(D), 506(i) of IPC and Section 11(4) and 12 of the POCSO Act, 2012 in Crime No.11 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1, who is the son of A3/petitioner herein had love affair with the victim girl and he had compelled her to come out of her house to get married. On 05.08.2022 at about 9.00 a.m., the defacto complaint asked the petitioner to advise A1 not to disturb his daughter. However, the petitioner/A3 and her husband/A2 insisted A1 to kidnap the victim girl and abused the defacto complainant with dire consequences. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is the mother of A1 and wife of A2 and she is innocent and a false case has been foisted against the petitioner. He would also submit that this Court has granted bail to the co-accused of the petitioner in Crl.O.P.No.25249 of 2022 and there is no specific allegation as against this petitioner and the allegation was only against her son (A1) and husband (A2) for having compelled the victim girl to marry A1. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on the instigation of the petitioner/A3 and her husband/A2, A1 had compelled the victim girl to come out of her house to get married. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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record.

5. Heard both sides and perused the materials available on

6. Taking into consideration the facts and circumstances of the case and the submissions made by both the counsels, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court (POCSO Cases), Tiruvannamalai, on condition that the 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 conditions that:



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[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 report before the respondent police everyday 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 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]**.



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

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