



Crl.O.P.No.25656 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 343, 376(3) of IPC and Sections 5(I), 5(j)(ii), 6, 16 and 17 of the POCSO Act, 2012 in Crime No.255 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Ramasamy is that his minor daughter aged about 17 years, who is studying 11th standard was fell in love with one youngster and had physical relationship on several occasions and that she got pregnant, but the same was not intimated to her parents. Unfortunately, the grand father of the victim girl came to know that the victim girl was pregnant, who had later blackmailed her and had committed penetrative sexual assault on her stating that he will inform it to her parents. Later, the victim girl had eloped from the home and joined with her boy friend. Hence the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the mother of the boy friend of the victim girl and the petitioner was not aware of the relationship between her son and the victim girl and that the entire allegations are attributed only against her son and the victim girl's grand father who coming to know about the relationship between his grand daughter and the petitioner's son had sexually abused the victim girl. He would further submit that the victim girl was secured and the 164 Statement has been recorded from the victim girl, wherein, she has not made any allegations against the petitioner. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the mother of the boy friend of the victim girl. He would further submit that the victim girl had eloped from the home and joined with her boy friend and the petitioner



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had given asylum to the victim girl. He would further submit that the grand father and the boy friend of the victim girl were arrested and they are in Judicial Custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the 164 Statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel and also taking note of the 164 statement recorded from the victim girl, 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 **learned Sessions Judge/Mahalir Neethimandram/Mahila Court, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of



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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:

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

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