



Crl.O.P.No.26351 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 Section 294(b) of IPC and Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012 in Crime No.768 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Dhanalakshmi is that A1/Aakash had induced her daughter and had misbehaved with her daughter during night hours. Therefore, the *de-facto* complainant along with her relatives have gone to his house and when they questioned A1, the petitioner herein who is the mother of the A1 had abused them with filthy language and also attempted to assault them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is none other than the mother of the A1. There was a love



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affair between her son and the daughter of the *de-facto* complainant. In order to sever their relationship, the *de-facto* complainant has given a false complaint. Based on the complaint, her son was arrested and enlarged on bail. He would further submit that a statement was also obtained from the victim girl under Section 164 of Cr.P.C., wherein she has not made any allegations as against the petitioner or her son as if the victim girl was sexually assaulted. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the mother of A1. A1 had misbehaved with the daughter of the *de-facto* complainant and when it was questioned, the petitioner had abused her with filthy language. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C. Taking into consideration the facts and



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circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Session Judge POCSO Court at Cuddalore**, 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 condition 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 on every



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Saturday at 10.30 a.m., until further orders.

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

03.11.2022

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