



Crl.O.P.No.30671 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections **366 of IPC r/w 5(l), 6, 17 of POCSO Act in Crime No.27 of 2022**, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stated that from 14.02.2022 the first accused had committed sexual intercourse with her under the guise of marriage. Thereafter the first accused failed to marry her and his family members/petitioners herein also refused to accept their marriage. Hence, the complaint.

3. Heard both sides.

4. When the matter is taken up for hearing victim girl/Sabetha, first accused/Ajith and their parents Selvaraj/first petitioner herein and Nallamal/second petitioner herein and the victim girl's parents appeared before the Court. The victim girl and the first accused stated that both are



living happily as husband and wife, and the petitioners also assured to take care of her and not cause any harassment to her. Further, they filed the settlement deed dated 15.11.2022, in which, the petitioners settled the property in favour of both victim girl and the first accused.

5. Recording the above submission this Court is inclined to grant anticipatory bail to the petitioners. Further, the conditions imposed on the first accused/Ajith by the Sessions Judge, Special Court for exclusive trial of cases, Under POCSO Act, Villupuram, in Crl.M.P No.3003 of 2022 is modified to the effect the first accused shall appear before the Trial Court on every hearing without fail.

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 days from the date on which the order copy made ready, before the **Sessions Judge, Special Court for exclusive trial of cases, Under POCSO Act, Villupuram** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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



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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 as and when required for the interrogation and the petitioners shall not cause any harassment to the victim girl/defacto complainant.

[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 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]**.

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



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To

1.The Sessions Judge, Special Court for exclusive trial of cases, Under
POCSO Act, Villupuram.



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