

Crl.O.P.No.31771 of 2022**T.V.THAMILSELVI, J.**

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The petitioner who apprehends arrest for the alleged offence under the Heading Girl Missing and subsequently it was altered to Sections 343, 363, 365, 366(A), 376(3), 376(2)(n) of IPC and Sections 4(2), 6(1), 5(u) 17 of the POCSO Act 2012 in Cr.No.561 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A2 is the cousin sister of A1. She allowed A1 to use her house to keep the victim girl and subject her to penetrative sexual assault. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the co-accused/A1 had already granted bail by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) appearing for the respondent submits that A2 is the cousin sister of A1. He further submits that the statement has been also recorded from the victim girl under Section 164 Cr.P.C.



5. Considering the facts and circumstances of the case and also submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) that the co-accused/A1 has been released on bail and the statement has been also recorded under Section 164 of Cr.P.C. Hence, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned ***District Munsif Cum Judicial Magistrate, Cheyyur, Chengalpattu District***, on condition that the petitioner shall execute a 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 concerned 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 Court concerned 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 as and when required for interrogation;



(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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(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]***; and;

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

23.12.2022

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To
The District Munsif Cum Judicial Magistrate,
Cheyyur,
Chengalpattu District



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