



CRL.O.P.No.709 of 2023

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WEB CO **T.V.THAMILSELVI,J.**

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5(1), 5(j) (ii) R/w 6, 16 & 17 of POCSO Act, 2012 in Cr.No.47 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1 had a love affair with the victim girl, who aged about 16 years. Due to which, the parents of the victim girl and the petitioners advised them. However, they continued their relationship and got married. Subsequently, the victim girl went to A1's house, wherein the victim girl was harassed by the petitioners and also that her pregnancy was aborted by the mother of A1. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would submit that the petitioners are only the parents of A1 and they are no way connected with the alleged occurrence. In fact, A1 has been arrested and



released on bail. Hence he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that A1 had a love affair with the victim girl, who aged about 16 years. Due to which, the parents of the victim girl and the petitioners advised them. However, they continued their relationship and got married. Subsequently, the victim girl went to A1's house, wherein the victim girl was harassed by the petitioners and also that her pregnancy was aborted by the mother of A1. He would further submit that the statement has also been recorded from the victim girl under Section 164(5) Cr.P.C., wherein she had stated that the mother of A1 had aborted her pregnancy. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. On a perusal of the statement under Section 164 Cr.P.C., reveals that it is a case of love affair. On seeing that the victim girl on her own volition married A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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 of receipt of a copy of this order, before the learned **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 petitioners 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 first petitioner shall appear before the respondent police every Saturday at 10.30 a.m., for a period of twelve weeks and thereafter, appear as and when required for interrogation. As far as the second petitioner is concerned, she shall appear before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation



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or trial;

(f)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]***; and;

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

12.01.2023

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