



Crl.O.P.No.2841 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 336, 376(2) IPC, r/w Section 4 of POCSO Act, 9, 10, 11 of Children Act, in Crime No.278 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.08.2021, the defacto complainant preferred a police complaint by stating that her sister's daughter was missing before the respondent police station. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has nothing to do with the above said love marriage. He further submits that the petitioner belongs to Cheyyar Taluk while A1 belongs to Vembakkam Taluk and the petitioner herein is the relative of A1 and hence she has been falsely



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implicated in this case. He further submits that co-accused A1 was already granted anticipatory bail by this Court on 02.02.2023 in Crl.OP.No.2175 of 2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 27.08.2021, the defacto complainant preferred a police complaint by stating that her sister's daughter was missing. He further submits that the statement of the victim girl has also been recorded under Section 164 Cr.P.C. wherein, the victim girl is now in advanced stage of pregnancy. He further submits that the investigation is almost completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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6.Considering the facts and circumstances of the case and also the submissions made by both counsels and also the fact that the statement of the victim girl has also been recorded under Section 164 Cr.P.C., and the investigation is almost completed, 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 **Judicial Magistrate, Cheyyar, Tiruvannamalai District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties and one surety must be a blood surety, 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



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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 as and when required for interrogation;

(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]*; and;

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

09.02.2023

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