



Crl.O.P.No.2845 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 451, 323, 506(1) of IPC and Section 5(m), 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.276 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 02.12.2022, one Pasupathi entered into the house of the defacto complainant and sexually abused the defacto complainant's daughter aged about 8 years and it is further alleged that due to previous enmity, the petitioner along with her sons went to the house of the defacto complainant beat with hands and cheek of the defacto complainant and threatened to withdraw the case otherwise they murder the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that due to previous enmity between the petitioner and the defacto complainant, this petitioner has been falsely implicated in this case. He further submits that the



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petitioner herein is the mother- in-law of the defacto complainant and also the mother of A1. He further submits that already the case was pending before the Additional District Judge, Namakkal in respect of the murder of the husband of the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity, the petitioner along with her sons went to the house of the defacto complainant beat with hands and cheek of the defacto complainant and threatened her. He further submits that A1 and A2 were already arrested and still in custody. He further submits that 164 Cr.P.C. Statement has been recorded and the investigation is also completed. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel and the investigation is also 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 his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Mahila Court, Namakkal*, 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;



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[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;

[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 has been imposed and the petitioner is 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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