



Crl.O.P.No.4264 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 294(b), 384, 376, 506(ii) of IPC read with Section 66E, 67 of IT Act in Crime No.04 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners sexually assaulted the victim lady and they also had taken the nude photograph of the victim girl and demanded money. When the same was refused by the defacto complaint, they abused her in filthy language and threatened with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioners, without prejudice to their right, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant



anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) submitted that on the date of occurrence, the petitioners sexually assaulted the victim lady and they also had taken the nude photograph of the victim girl and demanded money. When the same was refused by the defacto complaint, they abused her in filthy language and threatened with dire consequences. He further submitted the investigation is completed and statement of the victim under Section 164 also record. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, the investigation is almost completed and this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Judicial Magistrate I, Pennagaram**, on condition that each of the petitioners 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, 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 are directed to appear before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of two months.

[c] the petitioners should file an affidavit of undertaking before the concerned Magistrate stating that they will not have any communication with the victim girl.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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



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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]**

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

01.03.2023

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