



Crl.O.P.No.4828 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(1),6(1), 16, 17 of POCSO Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.1 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 who is the son of the petitioners had committed penetrative sexual assault with the victim girl aged about 16 years, due to which she got conceived and a male child was born to her on 15.07.2022. Subsequently, due to some misunderstanding, A1 left the victim girl and child. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that this Court vide order dated 22.02.2023 in Crl.O.P.No.4040 of 2023 had granted interim bail to A1 and referred the matter to the Mediation Centre at Dharmapuri. It is stated in the report submitted by the District Mediation and Conciliation Centre, Dharmapuri that the matter had been settled between the parties. A1, parents of A1, who are the petitioners herein and parents of the victim were also entered into an agreement.

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

6. Considering the facts and circumstances of the case and also the parties have arrived at a settlement, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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 on which the order copy made ready, before the **learned Sessions Judge, Fast Track Mahila Court, Dharmapuri**, on condition that each of the petitioners shall execute a separate 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 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.



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[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 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]**.

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

31.03.2023

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