



Crl.O.P.No.5615 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 341, 294(b), 354, 509 and 506(ii) of IPC @ 341, 294(b), 354, 363, 366, 366(A), 506(i) and 305 of IPC and 11(v) r/w 12 of POCSO Act, 2012, in Crime No.168 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.10.2022, when the victim girl went to the water channel to wash her cloths, A1 and A2 said to have restrained and threatened her and also scolded her in filthy language. Thereafter, A1 went to the house of the victim girl in an inebriated condition and scolded her in filthy language, due to which, the victim girl committed suicide by consuming pesticide. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped into this



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case. He would further submit that the victim girl Rajeshwari was in love with the son of Ramasamy/A1 namely Manikandan/A4 and it was objected by the parents of the victim girl and therefore, the said Ramasamy/A1 conducted marriage between his son/A4 and the victim girl and the petitioners are only the neighbours of the said Manikandan/A4 and they have nothing to do with the alleged offence said to have been committed by A1. He would further submit that when the victim girl was in hospital, her dying declaration was recorded by the learned Judicial Magistrate in which also, no allegations have been made against the petitioners herein. He would further submit that the main accused in this case viz., Ramasamy/A1 and Marimuthu/A2 were arrested and subsequently, they were granted bail by this Court in Crl.O.P.No.32131 of 2022 dated 03.01.2023.

4. The learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of bail to the petitioners stating that the petitioners along with other accused abducted the victim girl in an auto and conducted marriage between her and the son of A1 and had



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taken photographs of the victim girl in a wrongful manner and thereafter, A1 and A2 used to threaten the victim girl by showing the photographs, due to which, the victim girl consumed pesticide and subsequently, she died. However, he would admit that the main accused/A1 and A2 were arrested and subsequently, they were granted bail by this Court. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the dying declaration of the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also the fact that the main accused/A1 and A2 have been granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

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



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date on which the order copy made ready, before the **learned Sessions**

Judge, Mahila Court, Perambalur, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five 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 everyday at 10.30 a.m., for a period of one week and thereafter on every Saturday at 10.30 a.m., until further orders;**

[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 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.

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