



Crl.O.P.No.7216 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 376, 294(b), 506(i) of IPC and Section 6 of POCSO Act 2012, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant xxxx, aged about 16 years is that A1/ Thamaraikani had proposed love to her and she refused to accept the same. While so, on 19.11.2021, the A1/Thamaraikani had taken her to a shed in an agricultural field and made a false promise that he would marry her and had sexual intercourse with her, against her will and thereafter he dropped her at her home. Later, when the de-facto complainant asked A1 as to whether his love affair is known to his mother or not, he called his mother over phone and his mother had agreed for the marriage between the defacto-complainant and A1 and promised to conduct marriage after the de-facto complainant attains majority ie., after completion of 18 years. While so, on 03.03.2023 she came to know that the A1 had married one Gayathri from the same



Crl.O.P.No.7216 of 2023

village. When she had questioned A1 and his mother and family members, they have abused her with filthy language and threatened her. Hence the case.

3.The learned Counsel for the petitioners would submit the petitioners are the relatives of A1 and they are innocent persons not aware of the love affair between A1 and the de-facto complainant. They had arranged marriage for their son with one Gayathri on 03.03.2023. Earlier, at the instigation of the rival political parties, the mother of the de-facto complainant preferred a complaint against the son of the petitioners on 14.09.2022 and subsequently the complaint was withdrawn by the de-facto complainant. After coming to know about the marriage, subsequent complaint has been given by the defacto-complainant by implicating the petitioners also as accused. The petitioners are no way connected with the alleged offences and they come to know all these allegations subsequent to the registration of the abovesaid F.I.R. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court.Hence, he



prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners are parents of A1. Under the guise of false promise that he would marry the de-facto complainant, the accused had sexual intercourse with the de-facto complainant. When the de-facto complainant informed the same to the mother of A1/second petitioner, she informed that the marriage would be performed after the defacto complainant attains majority. Later, they arranged marriage for their son with some other girl and also abused the de-facto complainant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6 . Considering the above facts and circumstances of the case and the submissions made on either sides and it is also noted that the



Crl.O.P.No.7216 of 2023

WEB COPY

defacto complainant's mother had given earlier complaint on 14.09.2022 against the first accused, wherein, she has not made any allegations as against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Special Court for POCSO Act 2012, Vellore**, on condition that each of the petitioner shall execute a separate 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



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Crl.O.P.No.7216 of 2023

Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day 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.

[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]**.

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

31.03.2023

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Crl.O.P.No.7216 of 2023

mfa

Crl.O.P.No.7216 of 2023

31.03.2023