



Crl.OP.No.9368 of 2023

Crl.O.P.No.9368 of 2023

K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366 and 511 of IPC read with Section 12 of POCSO Act in Crime No.05 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the second accused/mother of the first accused who attempted to kidnap the daughter of the defacto complainant aged about 14 years and also sent obscene messages to the victim girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that she has been falsely implicated in this case and she has not committed any such offence. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit on completion of investigation, charge sheet has been filed in this case. However, he opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



Crl.OP.No.9368 of 2023

Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the fact that the charge sheet had been filed in this case and there is no necessity for any custodial interrogation. Hence, 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 days from the date on which the order copy made ready, before the **learned Special Judge, Special Court for Exclusive Trial of cases under POCSO Act** 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 Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



WEB COPY



Crl.OP.No.9368 of 2023

and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the trial Court daily at 10.30 a.m. until further Orders.

[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 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.

17.05.2023

vrc/pam



WEB COPY



Crl.OP.No.9368 of 2023

K.KUMARESH BABU, J.

vrc/pam

Crl.O.P.No.9368 of 2023

17.05.2023