



Crl.O.P.No.10800 of 2023

Crl.O.P.No.10800 of 2023

WEB COPY

K.GOVINDARAJAN THILAKAVADI, J.

The petitioners, who apprehend arrest for the alleged offences under Sections 363, 366, 376(3), 294(b) & 506 (ii) of I.P.C., r/w. Sections 4 and 12 of POCSO Act, 2012 in Crime No.06 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 who is the son of the petitioners, were loved each other and that when the defacto complainant tried to meet A1, the petitioners attacked them. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for



Crl.O.P.No.10800 of 2023

the respondent police submitted that the defacto complainant and A1 had a love affair with each other and hence the dispute arose between the parties. The defacto complainant has not sustained any injury. However, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned 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, the submissions made by the learned counsel on either side and also considering the fact that the victim has no injury, 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 **Special Court for Exclusive trial of cases under POCSO**



Crl.O.P.No.10800 of 2023

WEB COPY

Act, the Sessions Court, Tiruvannamalai on condition that the petitioners shall execute 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 his Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter 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;

K.GOVINDARAJAN THILAKAVADI, J.



WEB COPY



Crl.O.P.No.10800 of 2023

vum/dna

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

vum/dna

Crl.O.P.No.10800 of 2023