



Crl.O.P.No.16511 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 323 & 324 IPC and Sections 7 & 8 of POCSO Act, 2012, in Crime No.133 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners are falsely implicated in this case for the reason that first accused wanted to marry the defacto complainant. When it was refused, a false complaint was given against the petitioners. Apprehending arrest, this petition is filed.

3.In response, the learned Government Advocate (Crl.side) submitted that on 12.07.2023, at about 10 p.m., when the defacto complainant was standing outside her house, accused Sathiskumar came to her house and asked the defacto complainant to come inside for a chat. When she refused, he pulled her hand. When she raised noise, her brothers, Lokesh, Senthil and Sakthivel came there. Sathishkumar told



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them that defacto complainant only invited him inside. When this talk was going on, Sathishkumar asked his brothers Vijaykumar, Prabhu, Arunachalam and Jothimani to come there. After they came there, there was a wordy quarrel and the accused attacked the defacto complainant's family members and scolded the defacto complainant in filthy language. Feeling ashamed, defacto complainant tried to commit suicide by consuming lime powder. She was treated as inpatient and discharged from the hospital.

4.Considering the nature of the allegations made against the petitioners in the FIR and the fact that the injured was treated and discharged from the hospital, this Court is of the view that custodial interrogation of the petitioners is not necessary and this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Rasipuram**, on condition that petitioners shall execute separate bond for a sum of



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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. 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



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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.

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