



Crl.O.P.No.17616 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 354(A), 376(2)(n), 313, 201 of IPC and 5(1)(j) r/w. 6(1) of POCSO Act, 2012 in Crime No.10 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.05.2023 the Defacto Complainant's daughter viz., Vijayalakshmi got pregnant through A1 and knowing that, the victim's mother had foeticide, with the help of the Petitioner/A3 and his wife A4. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that he is no way connected with this case, the victim girl and her mother being a close relative of him, had stayed for a couple of days with him. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioner/A3 is the maternal uncle of the victim girl and is said to have taken steps to cause miscarriage to the victim girl. He is vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and the submissions made by



the learned counsel on either sides and on perusal of statement under Section 164 of Cr.P.C., of the victim girl, I am not expressing any opinion, however, I am 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 Sessions Judge, Fast Track Mahila Court, Ariyalur** on condition that the Petitioner shall execute a separate 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 Magistrate 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 and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the Petitioner shall report before the Respondent Police, everyday 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.



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

11.08.2023

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