



Crl.O.P.No.26938 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 of IPC, Sections 5(i) r/w Section 6 of Protection of Child from Sexual Offences Act 2012 in Crime No.08 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the first accused with the help of the second and third accused had eloped with her minor daughter and committed penetrative sexual assault on her. Hence the case.

3. Learned counsel 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 none other than the father and mother of the first accused respectively. He also stated that their son/A1 and the victim girl



CrI.O.P.No.26938 of 2022

are known to each other and there was a love affair between them and since, it was objected to by the parents of the victim girl, they eloped, thereafter, she was secured. He also submitted that the petitioners are no way connected with the alleged offence as stated by the prosecution. He also stated that the petitioners understand that statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she had stated that there was a love affair between the petitioners' son and the victim girl. He further stated that A1 was arrested and released on bail, hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police submitted that based on the complaint given by the de-facto complainant, a case in Crime No.8 of 2022 has been registered against the petitioners for helping their son/A1 to elope with the minor victim girl and to commit sexual assault on her. He also submitted that the victim girl has been secured and now she is in custody of her parents and the statement under Section 164 Cr.P.C., has also been recorded from the victim girl. Hence, he opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.26938 of 2022

WEB COPY

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the statement recorded under 164 Cr.P.C., from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C., from the victim girl, 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 Juvenile Justice Board (Chief Judicial Magistrate Court), Dharmapuri**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who



CrI.O.P.No.26938 of 2022

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 first petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of six weeks and thereafter, as and when required for interrogation;

[c] the second petitioner shall report before the respondent police, as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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



CrI.O.P.No.26938 of 2022

Court himself as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW
5560]**;

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

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