



Crl.O.P.No.23496 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.35 of 2023 registered by the respondent Police for the offence under Sections 363,366 of I.P.C and Sections 3(a) and 4(2) of the POCSO Act and Section 9 and 10 of the Prohibition of Child Marriage Act, 2006.

2.It is stated that the first accused and the daughter of the defacto complainant had relationship and as a matter of fact they went also missing on 02.02.2023. Originally the FIR was registered under the section Girl missing, subsequently altered with the above sections.

3. It is informed by the learned counsel for the petitioner that the first accused had been granted anticipatory bail by this Court in Crl.O.P.No.4887 of 2023 by an order dated 06.03.2023. The present petitioners are the relatives of the first accused.

4. On the side of the respondent the statement of the victim girl had been produced and that had been recorded on 08.02.2023 and anticipatory bail had been granted subsequently on 06.03.2023.



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5. In view of the above fact that particularly that the Anticipatory bail was granted to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Judicial Magistrate Court, Karimangalam, on condition that the petitioners 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 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



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respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC;

12.10.2023

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