



CrI.O.P.No.25796 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.19 of 2023, registered under Sections 450, 294(b), 323, 506(ii) IPC r/w Sections 5(I), 6, 11(iv) and 12 of the Protection of Children from Sexual Offences Act, 2012.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondent.

3.The petitioner is the 2nd accused. The 1st accused is the husband of the petitioner herein. The case of the prosecution is that the 1st accused had a sexual relationship with the victim child. The learned counsel for the petitioner herein however stated that the petitioner, was not aware of that particular aspect and had gone over to her mother's house for delivery and later when she came back, she came to know about it and therefore, she went over to the house of the victim child and picked up a quarrel. The learned counsel therefore stated that the only offence which could be attracted as against the acts done by the petitioner herein would be under IPC offence and not under POCSO Act. It requires further investigation but since the probabilities have been made out to that effect, anticipatory bail is granted to the petitioner.



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4. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

5. 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, Special Court for the exclusive trial of POCSO Act Cases at Villupuram**, on condition that the petitioner 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 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 to appear before the respondent **once a week at 10.30 a.m., for a period of four weeks** and thereafter as and when required.



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[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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

10.11.2023

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