



Crl.O.P.No.2002 of 2024

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C.V.KARTHIKEYAN, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 376(3), 376(2)(n) of Indian Penal Code 1860, 5(1), 6(1) of Protection of child from sexual offences Act, 2012, 9 of Prohibition of Child Marriage Act 2006 in Crime No. 8 of 2023, seek anticipatory bail.

2. This Petition stands dismissed as against the first accused since he had been arrested.

3. It is case of the prosecution that the first petitioner had married the daughter of the third petitioner, who is a minor and they both stayed at the house of the second petitioner, who is the mother of the first petitioner. The statement of the victim child under Section 164(5) Cr.P.C., had been recorded and the Court had the benefit of reading the same.

4. Taking all the factors into consideration and since the first accused has secured and therefore the investigation can proceed further, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 with certain conditions.

5. Accordingly, the petitioners 2 & 3 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, Vandavasi, 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



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who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 & 3 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 2 & 3 shall appear before the respondent police once in a week ie., every Monday at 10.30 a.m., until further orders.

[c] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 & 3 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 2 & 3 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.

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