



Crl.O.P.No.3064 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A2 to A4 seek anticipatory bail in Crime No.12 of 2023 registered by the respondent Police for the offences punishable under Sections 376(3), 376(2)(n) of IPC, r/w Sections 5(1), 5(j)(ii), 6, 21(1) of POCSO Act, r/w Sections 9,10 of Prohibition of Child Marriage Act.

2. A1 had been remanded into judicial custody on 30.12.2023 and had been granted bail. These petitioners are relatives of the accused and also of the defacto complainant. The Court had the benefit of examining the statement of the victim child recorded under Section 164(5) of Cr.P.C. Investigation has also proceeded to a substantial extent.

3. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 **Sessions**



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Court, Special Court for Exclusive of Trial Cases under POCSO Act,

Tiruvannamalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 the third petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation and the first and second petitioners shall report before the respondent police once a week, i.e., every Saturday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

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



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[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.

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