



Crl.O.P.No.4902 of 2024

WEB COPY

Crl.O.P.No.4902 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 376(3), 376(2)(n) of IPC, 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, seeks anticipatory bail.

2. 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.

3. This petitioner is the father of the first accused. The two other accused, namely, accused Nos. 2 and 4 had been granted anticipatory bail in Crl.O.P.No. 2002 of 2024 by an order dated 05.02.2024.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in



Crl.O.P.No.4902 of 2024

WEB COPY

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 Special POCSO Judge at Tiruvannamalai, 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 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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



Crl.O.P.No.4902 of 2024

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.

29.02.2024

vsg

C.V.KARTHIKEYAN, J.

vsg



WEB COPY



Crl.O.P.No.4902 of 2024

Crl.O.P.No.4902 of 2024

29.02.2024