



Crl.O.P.No.8359 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 7 and 8 of POCSO Act 2012 r/w 294(b), 506(1) of IPC in Crime No.4 of 2024, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 26.03.2024, the defacto complainant's minor daughter, aged 13 years, was allegedly tried by the Accused A1, to misbehave with the victim girl. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are the wife and daughter of A1 and no specific overt act against the petitioner. Hence, he prays to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first petitioner misbehaved with the defacto complainant's minor daughter regarding the land dispute. He further submits that the petitioners has no previous case pending against them. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels, 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 (15) days from the date of receipt of a copy of this order before the ***learned Mahila Court cum Exclusively Trial Special Court for POCSO, Villupuram***, 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



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or to the satisfaction of the learned Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid own by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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[f] if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC;

04.04.2024

drl

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