



Crl.O.P.No.10362 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A2, A3 and A5 seek anticipatory bail in Crime No.2 of 2024 registered by the respondent police for the offences punishable under Sections 294(b), 323, 506(i), 366 of IPC r/w Section 67(B)(a) of IT Act and Sections 5(1), 6 and 12 of POCSO Act.

2. There has been physical relationship between A1 and the victim child, necessitating lodging of FIR and offences registered under the POCSO Act.

3.The learned counsel for the petitioners stated that the first and third petitioner are the parents of A1 and the second petitioner is the sister of A1.

4.It is stated that these petitioners are innocent of the offences and the offences can be alleged only against A1. Another accused had been granted bail namely A4, who is the husband of A3.

5.The earlier application seeking anticipatory bail filed by the petitioners was dismissed by this Court on 12.03.2024 in Crl.O.P.No.5995 of 2024. The change in circumstance is that



Crl.O.P.No.10362 of 2024

subsequently A1 had been arrested and later, had been granted bail. A4 had also been granted anticipatory bail.

4. Taking into consideration all the factors into consideration and that there has been some progress in investigation, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.2 of 2024** and on such receipt and receipt of proof of payment, 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 learned Special Judge for the exclusive trial of cases under POCSO Act, Villupuram, on condition that 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, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand



Crl.O.P.No.10362 of 2024

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dismissed and on further condition that:

[a]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 third petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and the petitioners 1 and 2 shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks.

© the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.2 of 2024 and on such deposit, the learned Sessions Judge may hand over the total amount of Rs.30,000/- to the victim child.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)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



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CrI.O.P.No.10362 of 2024

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 SCW5560]***; and;

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

26.04.2024

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Crl.O.P.No.10362 of 2024

C.V.KARTHIKEYAN,J.

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Crl.O.P.No.10362 of 2024

26.04.2024