



Crl.O.P.No.13931 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 417, 376(2)(n) and 312 IPC in Crime No.2 of 2024, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case, as if she threatened the victim girl, who got pregnant because of her son and gave pills for abortion. He further submitted that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally two accused in this case. Petitioner is arrayed as A2. She is the mother is A1. A1 was arrested and still in custody. He further submitted that A1 had promised the victim girl that he will marry and had intercourse with her. Due to which, she got pregnant. However, A2/petitioner who is the mother of A1,



CrI.O.P.No.13931 of 2024

gave pills to the victim girl for abortion. The statement under Section 164 Cr.P.C has been recorded. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

4. Taking into consideration the facts of the case and the submissions made by the learned counsels, and the fact that Section 164 Cr.P.C statement has been recorded, in which, it seems that both the A1 and defacto complainant had a love affair and also the fact that investigation in this case is completed, 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 the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Kalasapakkam, Thiruvannamali District***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 and on further condition that:



CrI.O.P.No.13931 of 2024

(a) the petitioner 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 petitioner shall report before respondent police as and when required for interrogation;

[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 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 down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

18.06.2024

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Crl.O.P.No.13931 of 2024

gd

Crl.O.P.No.13931 of 2024

18.06.2024