



Crl.O.P.No.12309 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence punishable under Sections 5(i)(ii) 5(1), 5(n), 5(q) and 6 of Protection of Children from Sexual Offence Act and section 506 (1) of IPC and altered into under Section 5(i)(ii) 5(1), 5(n) and 6 of Protection of Children from Sexual Offence Act and section 506 (1) and 450 of IPC in Crime No.866 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on the month of December 2019, the 2nd petitioner entered into the house of the defacto complainant and he hold the victim and he had sexual intercourse for so many times with the victim, since she is a minor. The petitioner and defacto complainant are close relatives of the defacto complainant. The 2nd petitioner is the uncle of the victim girl, the above case has been registered as against the petitioners. Even though the 1st petitioner got married with the victim. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioners by stating that the 2nd petitioner had sexual inter course with the victim. Victim is a minor. The 2nd petitioner is the uncle of the victim girl. The 1st petitioner got married with the victim.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the



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learned Sessions Judge, Special Court for the Exclusive Trial of

POCSO Act Cases at Salem 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 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 petitioners are directed to report before the respondent police on every Saturday at 10.30am., for a period of six weeks and thereafter, 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.



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[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.

05.06.2024

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