



Crl.O.P.No.14371 of 2024

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T.V.THAMIILSELVI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 506(i) of IPC and Section 67(B)(a) of the Information Technology Act and Section 12 of POCSO Act, in Crime No.98 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are husband and wife and the first petitioner used to send obscene messages to the defacto complainant and the second petitioner has threatened the defacto complainant with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are husband and wife. He further submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners and the de-facto complainant are strangers hence they have been falsely implicated in this case.



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He also submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the first petitioner has sending vulgar messages to the defacto complainant, who is a minor aged about 16 years, when it was informed to his wife, the second petitioner, she also threatened her with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

6. As far as the first petitioner is concerned, some of the messages, which was sent by the first petitioner to the victim girl was produced before this Court, on the side of the prosecution, shows that all are vulgar messages sending to the victim girl. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, the Criminal Original Petition is dismissed as against the first petitioner.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, the second petitioner is ordered to be released on anticipatory 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 Sessions Judge, Fast Track Mahila Court, Krishnagiri**, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each **[out of which, one surety must be a blood related surety]** 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:

[a] the second petitioner shall file an affidavit before the Trial Court that not to have any communication with the victim girl;

[b] the second petitioner and the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the second petitioner shall report before the respondent police, as and when required for interrogation;

[d] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the second petitioner shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions has been imposed and the second 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;

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

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