



Crl.O.P. No.21376 of 2024

Crl.O.P. No.21376 of 2024

P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 9(m), 10,19,21(1) of Protection of Child from Sexual Offences Act, 2012 in Crime No.15 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the defacto-complainant is the wife of the 1st petitioner and daughter-in-law of the 2nd and 3rd petitioners. The marriage between the 1st petitioner and the defacto-complainant was solemnized on 04.08.2019. The 1st accused is the neighbour of the defacto-complainant. He misbehaved with the daughter of the defacto-complainant, the same was came to the knowledge of these petitioners, but these petitioners did not take any steps to make complaint against the first accused and they also threatened the defacto-complainant not to disclose the said act to anybody. Hence the case.

3. The learned counsel for the petitioners would contend that due to family dispute between the petitioners and the defacto-complainant, a false



Crl.O.P. No.21376 of 2024

complaint has been lodged as against these petitioners. There is no previous case as against these petitioners. These petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the The 1st accused is the neighbour of the defacto-complainant. He misbehaved with the daughter of the defacto-complainant, the same was came to the knowledge of these petitioners, but these petitioners did not take any steps to make complaint against the first accused and they also threatened the defacto-complainant not to disclose the said act to anybody. In this case, 164(5) Cr.P.C. statement of victim girl was recorded. There is no previous case as against these petitioners. The 1st accused was arrested and subsequently he was released on bail. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.



Crl.O.P. No.21376 of 2024

WEB COPY 6. Considering the rival submissions on either side, considering the relationship between the petitioners and the victim, Section 164(5) Cr.P.C statement of victim was already recorded, no previous case is pending against the petitioners, the 1st accused was arrested and subsequently released on bail and considering other aspects, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on anticipatory 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 **Sessions Court, Special Court for Exclusive Trial Cases under POCSO Act Cases, Tiruvannamalai** on condition that the petitioner shall execute separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.00a.m. for the period of 4



Crl.O.P. No.21376 of 2024

weeks;

[b] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioners shall not leave India without the prior permission of the Court.

[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 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 269 B.N.S. 2023.

03.09.2024



Crl.O.P. No.21376 of 2024

P.DHANABAL,J

gvn

Crl.O.P.No.21376 of 2024

03.09.2024