



Crl.O.P.No.29784 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.418 of 2024 registered for the offences punishable under Section 87 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023 and Section 5(1) and Section 6 of the Protection of Children from Sexual Offences Act, 2012, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the allegation as against the first petitioner is that he has given a bike to A1, who is alleged to have kidnapped the victim girl. He further submitted that the victim girl has been secured and that the first petitioner is the brother of A1 and the second petitioner is the sister-in-law of A1. He also submitted that A1 was arrested and later he was granted bail by the Sessions Judge, Fast Track Mahila Court, Erode in Crl.M.P.No.1161 of 2024, dated 19.11.024.



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3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the first accused cheated the victim girl and committed sexual assault. He would further submits that there are no previous cases pending against him.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Erode on condition that the petitioners shall execute a 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said



Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the first petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders and the second petitioner shall report before the respondent police 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;

[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 of BNS.

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