



Crl.O.P.No.15220 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6, r/w 5 (j), (ii) of POCSO Act, 2012 and 506(i) of IPC in Crime No.21 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner committed sexual offence against the victim girl who is aged about 13 years, due to which, she got pregnant. Hence, the complainant.

3. Heard both sides.

4. On perusal of the victim girl's statement under Section 164 Cr.P.C., reveals that the victim girl had physical relationship with one Surya. Therefore, she got pregnant. When she asked about the same, she stated that the petitioner committed sexual assault on her due to which she got pregnant. Further, the victim girl stated that her parents had previous enmity with petitioner due to which she gave a false statement before the respondent police that the petitioner committed sexual assault.



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5.Considering the above facts, it reveals that the petitioner never involved in any offence as alleged by the prosecution. Therefore, the custodial interrogation of the petitioner may not require in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on 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 **Judicial Magistrate, Additional Mahila Court, Namakkal**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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:



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[a] the petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall file an undertaking affidavit stating that he will not indulge in any kind of above said activities in future before the District Munsif-cum-Judicial Magistrate, Thittakudi.

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

[e] the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.



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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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