



Crl.O.P.No.15972 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6 r/w Section 5(1), 5(1)(ii) of POCSO Act in Crime No. 20 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had love affair with the victim girl aged about 17 years and had physical relationship. In fact, the defacto complainant got pregnant due to their relationship and thereafter on the assurances given by the petitioner, the defacto complainant aborted her pregnancy. Even then, the petitioner refused to marry her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused A1 was already granted anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally two accused involved in this case, in which, the petitioner is arrayed as A2. A2 is the friend of A1. A1 was already granted anticipatory bail. He would further submit that the petitioner had love affair with the victim girl aged about 17 years and had physical relationship with the victim girl. In fact, the victim girl got pregnant due to their relationship and thereafter on his assurance, the victim girl aborted her pregnancy. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Seerkali, 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



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the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 report 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 not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

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