



Crl.O.P.No.16449 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 366 IPC r/w Section 6 r/w 5(1) of POCSO Act in Crime No.91 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is son of the paternal aunt of the victim and he had committed penetrative sexual assault on the victim girl several times when she was stayed in the house of the petitioner six months back, during the period of Corona and then the victim girl came back to her house. The parents of the victim child scolded her for the reason that she had spoken continuously with the petitioner. The victim girl informed the same to the petitioner and the petitioner asked the victim to come to his house, accordingly, the victim girl also went to the house of the petitioner and stayed with him. After knowing the above facts, the Child Line Organisation secured the victim girl and brought her and handed over her to the Children's Home.

3. The learned counsel for the petitioner would submit that the false case has been foisted against the petitioner and he is ready to abide by any



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conditions that may imposed on him. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is mother of the victim girl. The victim girl's date of birth is 24.06.2004. The petitioner eloped with the victim girl and had committed penetrative sexual assault on the victim girl several times. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the complaint lodged by the victim girl and the statement recorded u/s.164 of CrI.P.C. reveals that she attained majority and she got married to the petitioner.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Special Court under POCSO Act, Nagapattinam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 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 register his marriage with the victim girl, before the concerned Register Office and shall produce the registration certificate before the respondent Police within a period of two weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the respondent Police shall secure the petitioner and proceed in accordance with law.

[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**



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**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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