



Crl.O.P.No.16473 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 366(A) of IPC and Section 5(g)(I) r/w 6 of POCSO Act 2012 in Crime No. 159 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner fell in love with the minor victim girl aged about 16 years. On the pretext of marriage, the petitioner had assaulted on the victim girl sexually. 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. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally five accused, in which, the petitioner is arrayed as A3. A1 and A2 are friends of the victim girl. A4 is the ex-lover of the victim girl. A1 and A2 had intercourse with the victim girl in a hotel room. A4 and A5 had intercourse with the victim girl in nearby place. The petitioner had sexually harassed the victim girl in beach. Hence, he vehemently opposed to grant anticipatory bail to the



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petitioner.

5. Initially, the victim girl fell in love with the petitioner and eloped with him. Thereafter, the petitioner dropped her in her house and thereafter the other accused persons came and raped her. The other accused persons were arrested and released on bail. So far as the petitioner is concerned, there is no specific allegation as against 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 Mahila Court, Thiruvallur, 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 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



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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 Morning at 10.30 a.m., and Evening at 5.30 p.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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