



Crl.OP.No.18236 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 366 of the Indian Penal Code, 1860, Sections 5(1), 5(j) (ii) & 6 of the Protection of Child from Sexual Offences Act, 2012 and Section 9 of the Child Marriage Restraint Act, 1929 in Crime No.18 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl, who aged about 16 years eloped with the petitioner and got married. The defacto complainant, who is the mother of the victim girl was informed that her daughter was admitted in the hospital due to her pregnancy. Thereafter, the defacto complainant lodged a complaint before the respondent police that her daughter was kidnapped by the petitioner and forced her to marry him and made her pregnant.



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3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution 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 the petitioner is alleged to have abducted the victim girl, who aged about 16 years, married her and made her pregnant, due to which the victim girl gave birth to a child. He further submitted that the Statement under Section 164 Cr.P.C is yet to be recorded. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case and considering that the victim girl and the petitioner are now living their life happily, custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-



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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 made ready, before the Special Court for the Exclusive Trial of POCSO Act Cases, Salem 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 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 two 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.

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

03.08.2022

Anu

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