



CrI.OP.No.18210 of 2022

CrI.O.P.No.18210 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Section 366 A IPC @ 363, 376(2)(n) IPC and 5(1) r/w 6 of POCSO Act in Crime No.191 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the father of the victim girl lodged a complaint before the respondent police stating that her daughter was found missing. However, the victim girl, who is aged about 17 years, had love affair with the petitioner and eloped with him. Thereafter, knowing about the complaint lodged by the defacto complainant, the petitioner left the victim girl. Hence, the complaint.

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 eloped with the victim girl, who is aged about 17 years. The statement of the victim girl has also been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the victim girl on her own volition eloped with the petitioner and they lived as husband and wife. On the complaint lodged by her parents, she was taken to the Police Station. Therefore, she refused to go with her parents and presently staying in home. That apart, the petitioner is none other than the maternal uncle of the victim girl, as such the 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge (Special Court for POCSO Act Cases), Tiruvannamalai, 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.



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

03.08.2022

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