



CrI.O.P.No.18947 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 5(j)(ii) r/w 6 of POCSO Act in Crime No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had sexual intercourse with the daughter of the defacto complainant one Asha aged about 16 years. It is further alleged that the petitioner is the son-in-law of the defacto complainant and he had completed ITI and he is working as Photographer at Ulundurpet. Both the family members arranged the marriage of the petitioner and victim after completion of her majority. It is further alleged that on 21.04.2022, the petitioner went to the house of the defacto complainant for the birthday function of the victim. Thereafter, the petitioner had physical relationship with consent of the victim, subsequently. She became pregnant, the defacto complainant went to the hospital along with the victim for aborting the child. On the intimation of the Doctor, the respondent police registered the case against the petitioner.



CrI.O.P.No.18947 of 2022

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that both the family members are agreed for the marriage, after the victim minor girl attains majority. Now, the victim girl is living with the petitioner. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the the petitioner had sexual intercourse with the daughter of the defacto complainant one Asha aged about 16 years and she became pregnant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the submissions made by both counsel, the custodial interrogation of the petitioner does not require, 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



CrI.O.P.No.18947 of 2022

WEB COPY

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 ***learned Metropolitan Magistrate Court-X, Egmore*** on condition that the petitioner shall execute a separate 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 register his marriage with the victim girl immediately after she attaining majority 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.



Crl.O.P.No.18947 of 2022

WEB COPY

[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.

11.08.2022

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Crl.O.P.No.18947 of 2022

G.K.ILANTHIRAIYAN, J.

Vv

Crl.O.P.No.18947 of 2022

11.08.2022



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CrI.O.P.No.18947 of 2022