



Crl.O.P.No.19429 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 366 of IPC , Section 9 of Child Marriage Act 2006 and 5(i) 5(j)(ii) r/w 6 of POCSO Act 2012 in Crime No.20 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the minor victim girl fell in love and got married. Thereafter, they have physical relationship, subsequently, she became pregnant. When she went to the hospital for medical checkup regarding pregnancy. On the intimation of the hospital authorities, the respondent police registered the case against the petitioner. .

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 now, the victim girl attains majority and the petitioner and the victim girl are living happily. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioner had sexual intercourse with the victim girl 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 and also the fact that now the victim girl attains majority and the petitioner and the victim girl are living happily, 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 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 Special POCSO Court, Salem. Salem District*** 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



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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 execution of sureties, 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.



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

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