



Crl.O.P.No.19538 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(1) r/w 6 of Prohibition of Child Marriage Act in Crime No.8 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to the love affair between the defacto complainant's daughter with the accused and the petitioner had a penetrative sexual assault with the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the the statement of the victim girl under Section 164 of Cr.P.C has been recorded. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement under Section 164 of Cr.P.C. Reveals that the victim was stayed along with the petitioner's house. The petitioner met with an accident and he is bed ridden. However,the victim girl fell in love with him and thereafter it was not accepted by her parents. Hence, the complaint. It further reveals that there was no physical relationship and there was no sexual assault on the victim girl by the petitioner.

6. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 made ready, before the ***learned Special Court for POCSO Cases, Cuddalore*** 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 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 is 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.

25.08.2022

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