



Crl.OP.No.20347 of 2022

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G.K.ILANTHIRAIYAN, J.

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

2. The case of the prosecution is that based on a complaint given by the Child Welfare Officer, a case has been registered as against the petitioner and few others, on the premise that the petitioner has married a 15 years old girl and impregnated her. When the girl was admitted in the hospital and gave birth to a child on 12.08.2021, the Doctor who attended the victim, on a perusal of the Aadhar card found that the victim girl is less than 16 years and therefore intimated the same to the Social Welfare Office. Hence, a case came to be registered.



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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 Statement under Section 164 Cr.P.C of the victim girl has been recorded and from the Section 164 Cr.P.C. Statement, it appears that the victim girl had an affair with the accused and eloped with him on her own volition. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the victim girl got married the petitioner, also gave birth to a child and now, they are 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 learned Special Court under the POCSO Act, 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 appear 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 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.

26.08.2022

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