



Crl.OP.No.20502 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 342, 313, 354D IPC r/w Section 5(I), 5(J)(ii) and 6 of Prevention of Child from Sexual Offences Act, 2012 in Crime No.13 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl and they both had sexual intercourse. Due to which, the victim got pregnant and subsequently, aborted the child. When it came to the knowledge of the victim girl's parents, they lodged the complaint. Hence, the case.

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. However, he would further submit that he is ready and willing to marry the victim girl immediately after he attains her majority. Hence, he prays to grant



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anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner fell in love with the victim girl, who aged about 16 years old and he had sexual intercourse with the victim. Due to which, she became pregnant and subsequently, the child was aborted. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the petitioner is ready and willing to marry the victim girl immediately after she attains her majority, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 Judge for Exclusive Trial of Cases under Pocso Act, Vellore on



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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 file an affidavit undertaking to marry the victim girl immediately after she attains her majority and register the same.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

29.08.2022

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