



CrI.OP.No.21127 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Girl Missing altered into Sections 363, 365, 366, 376(2)(n), 376(3) IPC and Section 5(1)5(j)(i)(ii) r/w 6 of POCSO Act 2012 and Section 9 of the Prohibition of Child Marriage Act in Crime No. 1560 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, under the pretext of marriage, had physical relationship with victim girl on several occasions. In fact, the defacto complainant got pregnant due to their relationship and had delivered a female child. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is ready and willing to register the marriage and produce the same. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner, under the pretext of marriage, had physical relationship with victim girl on several occasions. In fact, the defacto complainant got pregnant due to their relationship and after marriage the victim girl gave



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birth to female child.

5. Considering the above facts and circumstances, the custodial interrogation of the petitioner is not required, 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 is made ready, before the learned Sessions Judge, Court for Exclusive Trial of Cases under POCSO Act at Chengalpattu, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 minor victim girl, immediately on her attaining majority, before the concerned Register



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Office and shall produce the registration certificate before the respondent Police. 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.

[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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