

Crl.O.P.No.22227 of 2022**A.D.JAGADISH CHANDIRA,J.**

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376(1), 376(2)(n) of IPC and Section 4(1), 5(1) read with Section 6(1), 17 of POCSO Act and Section 9,10 of Child Marriage Act in Crime No. 294 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner kidnapped the victim minor girl aged about 17 years and performed child marriage with her and thereby committed penetrative sexual assault on her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a complaint has been lodged against him. He further submit that the petitioner and the victim girl are known to each other for a long time and there was a love affair between them. Thereafter, the victim girl on her own volition went along with the petitioner, thereafter the present case was registered. When the same was came to the knowledge of the petitioner, he dropped the victim girl in her house. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) produced the



statement of the victim girl recorded under Section 164 of Cr.P.C.

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5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C revealed that the victim girl on her own volition gone along with the petitioner and further she had not stated as if the petitioner had committed penetrative sexual assault on her.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with certain conditions.

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 Mahila Court, Thiruvallur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 report before the respondent police daily at 10.30.a.m., until further orders.

[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.

15.09.2022

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