



Crl.O.P.No.22851 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366(A) and same altered to 366, 350, 354D and Section 5(n), 5(1), 6, 17 of POCSO Act in Crime No.302 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A1 in this case had developed love affair with the victim girl, who is a minor and had kidnapped her from the lawful guardianship along with the petitioner and had committed penetrative sexual assault on her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would further submit that even as per the respondent police, there is no allegation of sexual assault made against the petitioner and he has only abetted the A1. He would submit that A1 has been arrested and released on bail. The respondent police has completed the investigation and the final report has also been filed before the



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Special Court for POCSO, Cuddalore. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner is the friend of A1 and he has abetted A1 to kidnap the victim girl from the lawful guardianship. He would submit that there is no previous case pending against the petitioner. A1 in this case has been arrested and enlarged on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also taking note of the fact that the allegation made against the petitioner is only that he has abetted the main accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 **Special Court**



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for POCSO, Cuddalore, 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 shall report before the Special Court for POCSO, Cuddalore every day at 10.30 am for a period of four weeks and thereafter on the date fixed by the learned Trial Judge.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;



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[g] 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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.09.2022

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