



Crl.OP.No.23076 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 Section 5L, 6 of POCSO Act 2012 in Crime No.7 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Revathy is that on 25.03.2022, her daughter had attempted to commit suicide by consuming insecticides. When the defacto complainant had taken her to hospital and when the defacto complainant had enquired her daughter, her daughter informed her that the petitioner had induced her on the false promise to marry her and later had sexual intercourse with her and thereafter, refused to marry her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. He would also submit that the petitioner and the defacto complainant belong to the same community and they are known to each other from their childhood. The petitioner and the victim girl without understanding the consequences and rigors of POCSO Act had love affair and physical affair between them. Later, when the matter came to the



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knowledge of her parents, her mother had reprimanded her resulting in the victim consuming poison. Later the defacto complainant has given a complainant as if the petitioner refused to marry her and that is the reasons for her daughter to attempt to commit suicide. He would also submit that coming to knowledge of the petitioner, he also attempted to commit suicide by hanging. Unfortunately, both of them were saved after treatment. He would also submit that the petitioner at no point of time refused to marry the victim girl and that the parents of the victim girl also agreed to arrange for marriage between the petitioner and victim girl after she attains marriageable age. He would submit that on the last occasion on 07.11.2022, the petitioner's mother also appeared before this Court and she has filed an affidavit , in which, she has stated that she is ready to arrange marriage between her son and the victim girl after she attains marriageable age. He would further submit that the statement is stated alleged to be recorded from the victim girl under Section 164 of Cr.P.C, wherein, she has admitted the relationship between them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are neighbours. The petitioner on



the false promise of marrying the victim had committed penetrative sexual assault on the victim girl. Since the petitioner refused to marry her, she attempted to commit suicide and the petitioner also attempted to commit suicide, but they are saved. He would further submit that investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the submissions made by both counsel and perused the materials available on record including the materials available on record including 164 statement recorded from the victim girl and the affidavits filed by the mother of the petitioner and the petitioner respectively.

6. Taking into consideration the facts and the submissions made by the counsel, 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 Judicial Magistrate-II, Chidambaram* 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



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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 respondent police every day at 10.30 a.m for a period of two weeks and thereafter on every Saturday 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]**.



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

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8. The affidavits filed by the petitioner as well as the parents of the petitioner shall form part of the records.

10.11.2022

Vv



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