



Crl.O.P.No.23747 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(I) and 6 of POCSO Act, 2012 in Crime No.10 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that two years ago, while the victim girl was studying in 12th Standard, she developed love affair with the petitioner due to his compulsion. While so, the petitioner in the guise of marrying her, had sexual intercourse with her on several occasions. However, when the mother and brother of the victim girl questioned about their relationship, he refused to marry the victim girl. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged. He would also submit that the victim girl was his neighbour and two years ago, there was a love affair between them, but, now they were separated. Due to



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which, a false complaint has been given against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner in the guise of marrying her, had sexual intercourse with her on several occasions. However, when the same was questioned by the mother and brother of the victim girl, he refused to marry the victim girl. He would also submit that a statement under Section 164 of Cr.P.C. has been recorded from the victim girl. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, 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 made ready, before the **learned**



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Special Court for Exclusively trial of cases under POCSO Act, Cuddalore, on 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 report before the respondent Police on every Tuesday and Sunday at 10.30a.m. for a period of four weeks and the petitioner shall not communicate with the victim girl through any mode till the disposal of the case;

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



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[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.

15.12.2022

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