



Crl.O.P.No.23985 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Section 366(A) of IPC @ 344, 366(A) of IPC r/w.5(1), 6 of POCSO Act in Crime No.98 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 in this case one Aravindan kidnapped the minor victim girl from her house from lawful custody and thereafter performed child marriage and committed penetrative sexual assault on her. The allegation against the petitioner is that the petitioner permitted the victim girl and A1 to stay in her house for single day. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. A1 is the friend of the petitioner's brother and he had came to the house of the petitioner along with the victim girl and informed that they are married, believing both of them have attained majority, the petitioner permitted them to stay in her house for single day, other than that she has not committed any offence as alleged by the prosecution. The petitioner understand that there is love affair between the victim girl and A1. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) would submit that A1 had kidnapped the minor victim girl and stayed in the petitioner's house and later committed penetrative sexual assault. He would submit that A1 had been arrested and enlarged on bail. He would also submit that statement under Section 164 Cr.PC has been recorded from the victim, wherein she had stated that they have stayed in the house of the petitioner. He would further submit that the investigation is still pending.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record and the Statement recorded under Section 164 Cr.PC.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate,



Thittakudi, Cuddalore District, 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 report before the respondent police daily at 10.30.am for a period of two weeks and thereafter on every Saturday at 10.30.am 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 abscond, a fresh FIR can be registered under Section 229A IPC.



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With the above directions, this Criminal Original Petition is ordered.

26.10.2022

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