



CrI.O.P.No.24969 of 2022

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3. The learned counsel for the petitioner would submit that the petitioner and the minor victim girl are close relatives. The petitioner is the cousin to the minor victim girl's mother, thereby he is the matrimonial uncle and there was a love affair between the petitioner and the minor victim girl. Pursuant to which, without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act, both of them eloped and married in the temple. Due to which, she became pregnant. He would further submit that the petitioner understands that a statement has been recorded from the minor victim girl wherein she has stated that she had voluntarily gone along with the petitioner and there after they had physical relationship. The minor victim girl has also delivered a child. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had kidnapped the minor victim girl and married her and also committed penetrative sexual assault on her. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel. Perused the material available on record including the 164 statement of the victim girl. 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 **Special Court for POCSO cases at Salem**, 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:



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A.D.JAGADISH CHANDIRA, J.
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[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 everyday 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.

28.11.2022

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