



Crl.O.P.No.24890 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 363, 366 I.P.C 5(1), 6, 16, 17 of POCSO Act, 2012 and Section 9, 10 of Prevention of Child Marriage Act, 2006, in Crime No.40 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that A1, the main accused along with the petitioners had kidnapped the minor victim girl from the lawful custody of her parents and performed child marriage. Thereafter, A1 also committed penetrative sexual assault on the victim girl. Hence, the complaint.

3.Learned counsel appearing for the petitioners would submit that the petitioners are none other than the friends of A1 / the main accused herein and they have been falsely implicated in this case. He would further



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submit that there was a love affair between the victim girl and A1 and that they have eloped from their respective houses. The respondent police in order to find out the whereabouts of the victim girl and A1, implicated these petitioners falsely in this case. The petitioners other than being the friends of A1, they have nothing to do with the said offence. He added that the victim minor girl has been secured and in the statement recorded under 164 Cr.P.C., from the victim girl also she has not stated about the involvement of these petitioners.

4.Learned Government Advocate (Crl. Side) vehemently oppose, stating that A1 viz. Sarvin had eloped with the minor victim girl. He had performed the child marriage and also committed penetrative sexual assault on the victim girl. He added that as far as these petitioners are concerned, they are the friends of A1, who have abetted him to commit the said offence.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side). Perused the materials placed on record,



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including F.I.R. and the statement recorded under 164 Cr.P.C.

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6. Taking note of the facts that the petitioners are none other than the friends of A1, and there is no specific allegation or averment contained in the statement recorded under 164 Cr.P.C, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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 Sessions Judge, Fast Track Mahila Court, Krishnagiri, on condition that the petitioner shall execute a separate 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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[b] the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two (2) weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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



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14.10.2022

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