



Crl.O.P.No.27715 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC, Section 9 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii), 6 of the Protection of Child from Sexual Offences (POCSO) Act, 2012, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that she had love affair with the petitioner/accused, who is her uncle's son. Thereafter, on 28.02.2022, both had run away from their house and got married. After the marriage, on 18.08.2022, when the de facto complainant got admitted herself for medical check-up, the Doctor informed that the de facto complainant was pregnant by five months and the Doctor ascertained her age and found that the de facto complainant is aged about 17 years. The Doctor informed the same to the Child Welfare



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Committee, Salem District, who in turn informed the same to the respondent police. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.22345 of 2022 vide Order dated 16.09.2022 with a direction to surrender within a period of fifteen weeks and execute the sureties. However, due to his financial situation/crisis, he was unable to surrender and execute the sureties and thereby, the earlier Order has got lapsed and the present anticipatory bail petition has been filed. He would further submit that the petitioner is now ready and willing to surrender before the trial Court. Hence, he seeks to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.22345 of 2022 vide Order dated 16.09.2022, however he failed to surrender and execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the



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petitioner.

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5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.6,000/- (Rupees Six Thousand only) as cost to the **Taluk Legal Services Authority attached to the Court** and on such payment, 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 Special Court for Exclusive Trial of cases under POCSO Act, 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



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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 pay a sum of Rs.6,000/- (Rupees Six Thousand only) as cost to the **Taluk Legal Services Authority attached to the Court**, and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned



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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]**.

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

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