

Crl.O.P.No.29517 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 366 of I.P.C and 5(1),6 17 of POCSO Act, 2012 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl was kidnapped by A1 in this case and the petitioner/A2 has assisted him by lending his bike to A1. Hence the case.

3.The learned counsel appearing for the petitioner would submit that A1 has borrowed the bike from the petitioner and committed the said offence, hence he has been implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that 164 statement has been recorded from the victim girl and the investigation has also been completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and the submissions and the fact that 164 statement has been recorded , wherein there is no allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Special Court for POCSO at 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 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 Court concerned 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 every Wednesday at 10.30 a.m. for a period of one month and thereafter, appear before the trial Court on all hearing dates.

(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;

WEB COPY

(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 anticipatory 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.

22.12.2022

smn

T.V.THAMILSELVI, J.



WEB COPY



smn

CrI.O.P.No.29517 of 2022

22.12.2022