



Crl.O.P.No.30920 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections Girl Missing @ 363, 366 of IPC and 5(l) and 6 of POCSO Act, 2012 in Crime No.544 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there was a love affair between the petitioner and defacto complainant's daughter. Due to which, the victim girl eloped with the petitioner. Initially, the case was registered as Girl missing. During the course of investigation, it is found that the petitioner had kidnapped the victim girl and had sexual intercourse with her. Hence, the case.

3. The learned counsel for the petitioner would submit that due to the love affair between the petitioner and defacto complainant's daughter, the he has arranged for the marriage of his daughter with some other person. Due to which, the victim girl has voluntarily went to petitioner's house. He would also submit that the petitioner has not committed any



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offence as alleged and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there was a love affair between the petitioner and the victim girl. However, the petitioner had kidnapped her and had sexual intercourse with her. He would also submit that a statement under Section 164 of Cr.P.C. has been recorded from the victim girl. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the statement recorded under Section 164 of Cr.P.C. 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 **learned**



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Special District and Sessions Judge, Exclusive Trial for POCSO Act

Cases, Salem, 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, 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 on every Saturday at 10.30 a.m. for a period of six months and he shall not communicate with the victim girl through any mode till the disposal of the case;

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



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[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.

16.12.2022

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