

Crl.O.P.No.31229 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 366,342 of I.P.C and 5(1),6 of POCSO Act r/w 9,10 of Child Marriage Restraint Act in Crime No.404 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners herein abducted the victim girl from her house on 20.05.2022. Hence the mother of the victim girl has registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant in order to wreak vengeance has given a false complaint against the petitioners. He further submits that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

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 petitioners.

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 petitioners and the victim girl has stated that she has left the house on her own volition, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 Judge for POCSO cases, Cuddalore** on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police 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 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

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