

Crl.O.P.No.31947 of 2022**T.V.THAMILSELVI, J.**

The petitioner who apprehends arrest for the alleged offence under Sections 5(j) (ii), r/w. Section 6 of Protection of Child from Sexual Offences Act, 2012 in Cr.No.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had an inappropriate relationship with the victim/minor girl. Due to which, victim/minor girl viz.Pooja has been pregnant for five months. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that victim girl got married to the petitioner because of her love and they both lived happily in the petitioner's house. He further submits that the petitioner shall file an affidavit of undertaking before the trial court stating that he will take care of the victim girl. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) appearing for the respondent submits that the victim girl has been secured and she was living at her parent's house. He further submits that the statement has been also recorded from the victim girl under Section 164(5) Cr.P.C.



5. Considering the facts and circumstances of the case and all submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent that the petitioner shall file an affidavit of undertaking before the trial court stating that he will take care of the victim girl, the statement under Section 164(5) Cr.P.C has been recorded from the minor girl. Hence, 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 of receipt of a copy of this order, before the learned *Special Court for POCSO Act cases, Chennai* 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 three months and thereafter, as and when required for interrogation;

(c) the petitioner shall file an affidavit of undertaking before the trial court stating that they will take care of the victim girl.

(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 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.12.2022

dk

To
The Special Court for POCSO Act Cases,
Chennai.



WEB COPY



T.V.THAMILSELVI,

dk

Crl.O.P.No.31947 of 2022

23.12.2022