



Crl.O.P.No.32417 of 2022

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WEB COPY **A.A.NAKKIRAN, J.**

The petitioner, who apprehend arrest for the alleged offence under Sections 366 of IPC read with Sections 5(1), 6(1), 16 and 17 of POCSO Act in Crime No.334 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the A1 and the victim, aged about 17 years were fell in love which was opposed by the parents of the victim hence, they eloped to get marry. As per as this petitioner is concerned she is being aunty of the A1. Both the victim and the A1 were loved each other and the parents of the victim objected this. Hence, they themselves eloped somewhere else in order to get marriage. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not committed any offence as



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alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submitted that there are totally six accused. A1 not arrested. A2, A3, A5 are arrested and released on bail, victim secured. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 District Judge for POCSO Cases, Salem & District* on condition that the petitioners shall execute a separate 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



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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 daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(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;

(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]***; and;

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

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