



Crl.O.P.No.2175 of 2023

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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 366(A), 376(2)(n) of IPC read with Section 5(1) , 6 of POCSO Act 2012 in Crime No.278 of 2021, seeks anticipatory bail.

2. The case of prosecution is that on 27.08.2021 the defacto complainant preferred a police complaint by stating that her sister's daughter was missing before the respondent police station. Hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submit that A1 already arrest and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submits that on 27.08.2021 the defacto complainant preferred a police complaint by stating that her sister's daughter was missing. He further submits that the Statement of the victim girl has also been recorded under Section 164 Cr.P.C., the victim girl is now in advanced stage of pregnancy and the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, the co-accused already released on bail, the Statement of the victim girl has also been recorded under Section 164 Cr.P.C. and the investigation is almost completed, 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 before the learned **Judicial Magistrate Cheyyar, Tiruvannamalai District** on condition that each of



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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 is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of six 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

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action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

02.02.2023

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