



Crl.O.P.No.2416 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 3(a), 4, 5(j)(II), 6 of POCSO Act r/w 366 & 376(1) of IPC, in Crime No.3 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 08.12.2022, due to love affair, the petitioner requested the defacto complainant/victim girl, aged 17 years, come to his house, there he hugged and kissed her and also intercourse with her by giving false promise to marry and later she become pregnant and aborted. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is not committed any such offence as alleged by the prosecution. He further submits that the petitioner was not completed the age of 21 years and he is ready to marry the victim girl immediately after both of them becomes major. Hence, he prays to grant



anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to love affair between the petitioner and the defacto complainant, the petitioner intercourse with her by giving false promise to marry and later he refused. He further submitted that the minor victim girl has been secured and the statement has also been recorded from her under 164 Cr.P.C., wherein, she had admitted that there was a love affair between the petitioner and herself and the investigation is completed. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that both the victim and the mother were appeared before this Court and the



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mother of the victim girl was agreed for the said marriage and the investigation is also completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Sessions Judge, Special Court, Exclusive Trial of POCSO Act, Chengalpattu*, 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 on every Sunday at 10.30 a.m., for a period of three weeks;



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[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 has been imposed and the petitioner is 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;

09.02.2023

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