



WEB COPY



Crl.O.P.No.3571 of 2023

Crl.O.P.No.3571 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections Girl Missing alters into 363 of IPC and Section 5(1) and 6 of POCSO Act 2012 in Crime No.31 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that, on 30.01.2023 one Deepa, mother of the victim girl lodged a complaint stating that the petitioner had love affair with her daughter, had sexual relationship with her and thereafter refused to marry her. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, as the victim girl's parent forced her to marry some other person, the victim girl on her own volition left her maternal house. Hence, he prays for grant of anticipatory bail to the



Crl.O.P.No.3571 of 2023

petitioner.

WEB COPY

4. Learned Government Advocate (Crl.side) appearing for the respondent would submit that due to love affair, the victim girl eloped with the petitioner. He further submitted that the investigation is completed, however, the victim girl is only aged about 17 years. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. When the matter was taken up for hearing today, the petitioner and the victim girl appeared before this Court and the victim girl herself submitted that the victim girl on her own volition eloped with the petitioner as her parents forced her to marry a third person and now they are staying at their aunt's house in Chittoor. Further, the petitioner also submitted that he is willing to marry the victim girl once she attains majority. In view of the above, 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



CrI.O.P.No.3571 of 2023

WEB COPY

from the date on which the order copy made ready, before the **learned Mahila Court (Magalir Neethimandram), Vellore**, 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, 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 shall report before the respondent police 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



WEB COPY



CrI.O.P.No.3571 of 2023

conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions

T.V.THAMILSELVI, J.

skt

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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

15.02.2023

skt



WEB COPY



Crl.O.P.No.3571 of 2023

Crl.O.P.No.3571 of 2023