



Crl.O.P.No.3507 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 294(b), 366, 376(1), 376(2)(n), 450 and 417 of IPC read with Sections 4(1), 5(j)(ii) 5(l)(1) and 17 of Protection of Children Sexual Offences Act 2012 in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter namely Kowsalya aged about 17 years had love affairs with one Rajarajan @ Denny / A1, who kidnapped the victim with the help of petitioner. Further, A1 had sexual intercourse with the victim with intension to marry her due to which she become 7 month pregnant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the



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petitioner, without prejudice to his rights, is ready to abide any condition imposed by this Honourable court. He also submits that petitioner had given only shelter to the A1 and he was falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that A1 with the help of petitioner had kidnapped the victim minor girl with intension to marry her. He also submits that A1 and the defacto complainant's daughter had love affairs, sexual intercourse, due to which she become pregnant. He also submitted that statement under Section 164 is recorded from the victim girl and the investigation is completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also fact that the investigation is completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-



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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, Thiruttani**, 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 is directed to report before the respondent police every Tuesday and Saturday at 10.30 a.m., for a period of Six weeks and thereafter as and when required for interrogation.

(c) the petitioner is directed not to have any communication with the victim minor girl.



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[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 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];**

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

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