



Crl.OP.No.3617 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6 of POCSO Act 2012 in Crime No.21 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Karunya Devi who is Child Welfare committee Member is that she received information that the accused persons were making arrangement to conduct marriage of a minor victim girl aged about 16 years. When she enquired with the victim girl, she informed that some relatives in her family had arranged marriage between her and one Praveen/petitioner aged about 20 years who was living in the same locality and she had gone out to the petitioner's house on 14.07.2022 and had sexual intercourse with the said Praveen. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl are close relatives. The petitioner and the victim girl without understanding the consequences and rigors of the POCSO Act, had consensual physical relationship and later it came to be known to the family members and they had arranged for marriage other than



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that nothing had happened. He would further submit that the petitioner also understand that a statement has been recorded from the victim girl under Section 164 of Cr.P.C, wherein, she has admitted to the consensual relationship between them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is a relative of the victim girl and they had been consensual relationship between them and their parents had arranged to conduct the marriage and it was informed to the child welfare helpline, based on that the complaint was registered. The victim girl has also been examined under Section 164 of Cr.P.C wherein she has stated that there was a consensual affair between them. However, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. Heard the submissions made by both counsel and perused the materials available on record including 164 statement recorded from the victim girl.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.



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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 days from the date on which the order copy made ready, before the ***learned Judicial Magistrate, Thiruvottriyur*** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 every day at 10.30 a.m for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[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.

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[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]**.

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

06.03.2023

Vv



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