



Crl.O.P.No.3624 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 354(A), 354(B), 354(C) of IPC and under Section 11(1), 11(2), 11(4), 11(5) of POCSO Act, 2012, in Crime No.7 of 2023, seeks anticipatory bail.

2. The case of prosecution is that the petitioner and the defacto complainant had love affair with each other. Further, the petitioner had bad contact with her through video calls. Thereafter, the petitioner has not communicated with her. Therefore, the victim minor girl attempted suicide and recovered. Hence, the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he also submits that already there was an agreement between them that when the victim girl attains majority, the petitioner will marry her. He also submits that the victim



Crl.O.P.No.3624 of 2023

WEB COPY

minor girls misunderstood the situation and committed suicide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that statement under Section 164 recorded, which reveals that the petitioner and the victim minor girl had lover affairs with each other. He also submits that the petitioner had bad contact with her through video calls. Thereafter, he refused to marry the victim, hence, she attempted suicide and discharged from the hospital. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact and circumstances of the case, the petitioner filed an undertaking affidavit that he will marry the victim, after attaining majority, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned **Special**



Crl.O.P.No.3624 of 2023

Court for POCSO Cases, Salem on condition that each of the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties 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 Tues at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation;

[c] the petitioner is directed to file an undertaking affidavit before the Court below that he will marry the victim minor girl, after attaining majority.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during



WEB COPY



Crl.O.P.No.3624 of 2023

T.V.THAMILSELVI, J.

jai

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.

28.02.2023

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Crl.O.P.No.3624 of 2023