



Crl.OP.No.4946 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 Girl Missing and altered into Sections 363 of IPC @ 366A and 4 of POCSO Act 2012 in Crime No.242 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramani is that his minor daughter aged about 17 years was missing. Based on the complaint, a case in Crime Number 242 of 2022 has to be registered by the respondent police. During the course of investigation it came to light that the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. He would further submit that there was a love affair between the petitioner and the victim girl and without understanding the consequences and rigors of the POCSO Act, they had indulged in consensual physical relationship. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that



the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault. He would submit that the statement of victim girl under Section 164 of Cr.P.C has been recorded.

5. Heard both counsel and perused the materials available on record including 164 statement of 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.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Chief Judicial Magistrate Court, Puducherry* 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.

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[b] the petitioner shall report before the respondent police on every day at 10.30 a.m for a period of two weeks and thereafter every Saturday at 10.30 a.m, until further orders and in the event of respondent seeking for DNA Test, the petitioner shall co-operate by furnishing his samples.

[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 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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