



Crl.O.P.No.5601 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC r/w Section 4 of POCSO Act, in Crime No.38 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused kidnapped her minor daughter who is aged about 16 years. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 18 years. The petitioner and the daughter of the defacto complainant are known to each other and there was a love affair between them and since it was objected by the parents of the victim girl, the petitioner and the victim girl without understanding the rigorous consequences of the POCSO Act, eloped to somewhere else. Later, on



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coming to know about the registration of the case, the petitioner handed over the victim girl to her mother and other than that, the petitioner has not committed any offence as alleged by the prosecution. Further, the petitioner understands that in the statement recorded from the victim girl under Section 164 of Cr.P.C., she has stated that she had gone along with the petitioner with consent and hence, he would pray for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner kidnapped the minor daughter of the defacto complainant and committed sexual assault on her. However, while the statement of the victim girl was recorded under Section 164 of Cr.P.C., she has not made any allegations of sexual assault against the petitioner.



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5. Heard both sides and perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five 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,



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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 everyday at 10.30 a.m., until further orders. Further, in the event of the respondent police requires the medical examination of the petitioner, the petitioner shall co-operate for the same.

[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]***; and;



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

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