



Crl.O.P.No.6501 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 alleged offences punishable under Sections 366A, IPC @ 5(I) r/w 6 of POCSO Act, 2012 in Crime No.17 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sarala is that her minor daughter aged about 17 years who was studying B.A. English literature was found missing on 09.01.2023 and on enquiry she came to know that the accused along with three other persons has kidnapped her daughter. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl are known to each other for a long time, the petitioner's mother coming to know of the relationship reprimanded her and she had come out of the house and the petitioner and the victim without understanding the consequences of POCSO Act have eloped and they were staying away in a house for three days. Later coming to know about the



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registration of the case, the victim had gone back to her house. He further submit that the investigation has been conducted during which the statement has also been recorded from the victim girl under Section 164 Cr.P.C., and the petitioner understands that the victim has not made any allegation of sexual assault against the petitioner and thereby he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would further submit that the petitioner had kidnapped the minor daughter of the defacto complainant and kept her in illegal confinement for three days and committed illegal sexual assault on her. However, he would further submit that the statement has been recorded under Section 164 Cr.P.C., wherein the victim has not made any allegations of sexual assault. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.



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6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner 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 Special Court under the POCSO Act, Cuddalore, 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, 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



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or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday 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;

[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;

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