



Crl.O.P.No.7626 of 2023

Crl.O.P.No.7626 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under girl missing @ Sections 343, 363, 365, 366, 4(1) of POCSO Act, 2012, in Crime No.50 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Usha Rani is that, her minor daughter aged about 17 years was found missing and based on the complaint, a case came to be registered in Crime No.50 of 2023 for “girl missing”. Later, during the course of investigation, it came to light that the accused had kidnapped the minor daughter of the defacto complainant and committed penetrative sexual assault on her. Hence, the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and without understanding the



consequences and rigours of the Prevention of Child from Sexual Offences

Act, had fell in love with the victim minor girl. He would further submit that the petitioner is aged about 19 years and the victim and the petitioner are known to each other. There was a love affair between them. After coming to know about the love affair, the parents of the victim girl had compelled her to perform marriage with someone else. Thereby, the victim had eloped from home and joined with the petitioner. He would further submit that 164 statement was also recorded from the victim girl wherein she has not made any allegation as against the petitioner as if the petitioner had sexually exploited her.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on the pretext of love affair, the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault on her. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the



CrI.O.P.No.7626 of 2023

materials available on record including the 164 statement recorded from the victim girl.

6.Taking into consideration of the facts and circumstances and a perusal of the statement of the victim girl under Section 164 Cr.P.C, which reveals that the victim had on her own volition gone with the petitioner and the further fact that the victim and the petitioner had been in love with each other, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 of receipt of a copy of this order, before the learned Mahila Court, Thiruvallur, 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 and on further condition that:



(a) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take



WEB COPY



CrI.O.P.No.7626 of 2023

appropriate action against the petitioner 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

25.04.2023

gbi



WEB COPY



CrI.O.P.No.7626 of 2023

A.D.JAGADISH CHANDIRA, J.

gbi

CrI.O.P.No.7626 of 2023

25.04.2023