



Crl.O.P.No.9677 of 2023

Crl.O.P.No.9677 of 2023

S.SOUNTHAR, J.

Today, the matter is listed under the caption 'for clarification'.

2. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376(3), 376(2)(n) IPC r/w section 5(l), 5(j)(ii), and 6 of POCSO Act in Crime No.05 of 2023, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner, under the guise of marrying the victim girl (minor), had physical intercourse, due to which the victim girl became pregnant.

4. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the said allegation and he has been falsely implicated in this case. Hence, learned counsel prayed for grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.9677 of 2023

WEB COPY

respondent police submitted that the victim girl is a minor and hence, he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Having regard to the facts of the case, the nature of the allegation made against the petitioner in the complaint and the statement of the victim girl recorded under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner with certain stringent conditions.

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 is made ready, before the **learned Judicial Magistrate, Cheyyar, Tiruvannamalai District**, 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



Crl.O.P.No.9677 of 2023

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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- (b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (c) the petitioner shall not tamper the 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



WEB COPY



Crl.O.P.No.9677 of 2023

S.SOUNTHAR, J
gm/rsi

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.

gm/rsi

05.05.2023

Crl.O.P.No.9677 of 2023