



Crl.OP.No.10558 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 Section Girl Missing @ 363, 366 of IPC and 3, 4 of POCSO Act in Crime No.89 of 2023, seeks anticipatory bail.

2. The case in Cr.No.89 of 2023 came to be registered on girl missing on the complaint of Chinnasami that his minor daughter aged 17 years was missing from 21.04.2023. Later, during the course of investigation, it came to light that the accused had kidnapped the minor victim girl and committed repeated penetrative assault on the victim girl.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner and the victim girl are known to each other for a long time and there was a love affair between them. Coming to know the love affair, the parents of the victim have reprimanded her and thereby, she eloped from her house without understanding the consequences and rigors of POCSO Act. The petitioner had taken her out and while they were roaming around, they had consensual affair and later coming to know the registration of the case, the petitioner had sent back the victim girl to her parents house and he would also understands that the statement has been



recorded from the victim under Section 164 of Cr.P.C, wherein, the victim has stated about the love affair and thereby he would seek for anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had kidnapped the victim girl and committed penetrative sexual assault on her. He would further submit that investigation is pending and the statement of the victim girl recorded under Section 164 of Cr.P.C. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

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

6. Taking in to consideration the facts and the circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Mahila Court, Dharmapuri District*** on condition that the petitioner shall execute a bond



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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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Esplanade Police Station every day 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] 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



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the petitioner released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

Vv

20.06.2023

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Vv

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