

**Crl OP No.10778 of 2023****K.GOVINDARAJAN THILAKAVADI.J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 174 Cr.IPC and subsequently, altered into section 5(c) r/w Section 6 (1) of the POCSO Act in Crime No.153 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has two daughters and the younger daughter viz, Ramya, who was aged about 18 years, went missing on 04.04.2023. Based on the complaint, an FIR has been registered under Section 174 Cr.PC. On enquiry, it was found that she had a love affair with the petitioner and had eloped with him. The respondent police subsequently altered the offence to Section 5(c) r/w Section 6(1) of the POCSO Act.

3. The learned counsel for the petitioner would submit that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.Side) submitted that investigation is still pending and the statement recorded from the victim girl, clearly shows that there was a love affair between the petitioner and the victim girl and she has voluntarily gone along with the petitioner. The learned counsel further submitted that the victim girl has been secured and handed over to her parents.



WEB COPY



5. Heard both sides.

6. Having regard to the facts of the case and the nature of the allegation made against the petitioner and also of the fact that the victim girl has been secured, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XXI Metropolitan Magistrate, Egmore**, on condition that the petitioner shall execute separate bonds 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 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 once in a week at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper the evidence or witness either



during investigation or trial.

WEB COPY

[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.

10.05.2023

rka/sai



WEB COPY



4

K.GOVINDARAJAN THILAKAVADI.J.
rka/sai

Crl.O.P.No.10778 of 2023

10.05.2023