



CrI.O.P.No.11222 of 2023

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V. LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest for the alleged offences under "Girl Missing" which was later altered to one of 366A of IPC and Section 6 of the POCSO Act in Crime No.1310 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.08.2021, the defacto complainant lodged a complaint that his daughter Rani aged about 17 years was missing from home on the pretext of going to Aravind Hospital for nursing duty and she did not return home. Thereafter, the victim girl appeared before the police on 16.08.2021 and the charges have been altered to Section 366A of IPC and Section 6 of the POCSO Act.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. side) submitted that it is the case of love affair and the petitioner and the daughter of the defacto complainant who was aged about 17 years had eloped. Hence, he opposed for granting anticipatory bail to the petitioner.

5.It is the case of love affair. The petitioner and the victim Rani had eloped and the petitioner had taken the victim to Jharkhand. I have gone through the statement under Section 164 recorded by the Judicial Magistrate No.I, Poonamallee. I do not find any specific allegation against the petitioner. As already stated, it is a case of love affair between two persons and the victim attained the age of majority. Considering the overall circumstances, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 Special Judge, Special Court for the Exclusive Trial of a case under the



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POCSO Act, Tiruvallur, 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 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)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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(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 anticipatory bail by the learned



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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;

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

24.05.2023

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