



Crl.O.P.No.12632 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 5(I), 5(j)(ii) and 6 of the Protection of Child from Sexual Offence (POCSO) Act in Crime No.07 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is 19 years old and victim girl is his neighbour. They were friends and they had physical relationship, as a result the victim girl got conceived. Now, the petitioner is prepared to marry the victim girl. Apprehending arrest in Crime No.07 of 2023 registered for the offences under Sections 5(I), 5(j)(ii) and 6 of the Protection of Child from Sexual Offence (POCSO) Act, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Crl.side) submitted that petitioner is aged only 19 years and the victim girl is aged 14 years. There is legal impediment for them to get married.



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4. The 164 Cr.P.C. statement of the victim girl was recorded and her medical examination was completed but the investigation is still pending.

5. Even in the 164 Cr.P.C. statement, the victim girl stated that she fell in love with the petitioner and in the process, she got conceived. Considering the nature of the case, where two teenagers fell in love with each other and victim girl got conceived and also in view of the fact that 164 Cr.P.C. statement of the victim girl was recorded and medical examination is also over, this court is of the view that custodial interrogation of the petitioner is not necessary. 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 Judicial Magistrate, Chidambaram**, 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



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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 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 everyday at 10.00 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] 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

18.07.2023

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