



Crl.OP.No.12871 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 Girl Missing and later altered into Section 6 of POCSO Act in Crime No.33 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Kanagasabai is that her minor daughter aged about 17 years was found missing. Based on the complaint, a case was registered in Cr.No.33 of 2023 for girl missing. Later, during the course of investigation, it came to light that the accused had kidnapped the minor daughter of the defacto complainant and thereafter committed penetrative sexual assault on her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has aged about 20 years and that he got acquainted to the victim through Instagram and they become friends. Since it came to the knowledge of parents of the victim, they have reprimanded her and thereafter she had eloped from her house and came to the petitioner's house. The petitioner had immediately produced before the Child Help Line and thereafter, her parents had taken her home. He would further submit



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that the petitioner understands that the statement has also recorded from the victim under Section 164 of Cr.P.C, wherein, she had eloped from her house and later the petitioner had sent her to a Child Help Line and from there, she was sent to her parents house. Further, the victim has not made any allegations against the petitioner that he had committed any sexual assault. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had induced the victim girl and thereby the victim girl had gone out from her house. However, he would submit that she has not made any specific allegations of sexual assault. However, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the submissions made by both counsel and perused the materials available on record including 164 statement recorded from the victim girl.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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 Metropolitan Magistrate-V, Saidapet, Chennai* 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, 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 every day at 10.30 a.m for a period of two weeks and thereafter on every Saturday 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] 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.

15.06.2023

Vv

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