



Crl.O.P.No.14000 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6 r/w 5(1)(j) (ii) r/w POCSO Act, 2012, in Crime No.4 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the prosecution is that the petitioner had committed penetrative sexual assault on the victim girl, due to which the victim had become pregnant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is aged about 20 years. The petitioner and the victim grew up in the same Village and there was a love affair between them for the past two years. He would submit that the petitioner and the victim without understanding the consequences and rigours of POCSO Act, had consensual sexual affair, due to which the victim had become pregnant and also delivered a child. He would further



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submit that the parents of the victim girl and the petitioner have agreed to perform the marriage once the victim attains majority and the petitioner has also filed an affidavit before this court admitting to be responsible for the pregnancy of the victim and also undertaken to marry her once she attains the marriagable age. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had committed penetrative sexual assault on the victim girl, due to which the victim had become pregnant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. The undertaking affidavit filed by the petitioner is taken on record. Considering the facts and circumstances of the case and the undertaking given by the petitioner, this Court is inclined to grant



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anticipatory bail to the petitioner with certain conditions.

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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 Mahila Court, Namakkal 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 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 appear before the respondent police daily 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.



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[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.

28.06.2023

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