



Crl.O.P.No.16793 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section Girl Missing @ Sections 5 and 6 of POCSO Act and 9 of Child Marriage Act in Crime No.131 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in Crime No.131 of 2022, for the alleged offence under Section Girl Missing @ Sections 5 and 6 of POCSO Act and 9 of Child Marriage Act. Thus, he seeks anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that it is a case of love affair between the first accused and victim girl. This petitioner and other accused had participated in child marriage between the victim girl and first accused. A1 and A4 arrested and released on bail.

4.In the circumstances stated by the learned counsel appearing



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for the parties and that petitioner had only participated in the child marriage between the first accused and victim girl, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore**, 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 report before the



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respondent police everyday 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.

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