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Crl.O.P.No.14871 of 2023

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G..CHANDRA SEKHARAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence under “Girl Missing” @ into Sections 366 and 342 of IPC and Sections 5(l) read with 6 of POCSO Act, in Crime No.294 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner and the victim girl were in love with each other and out of love affair, they eloped. Initially, the case in Crime No.294 of 2023, was registered for “Girl Missing” and subsequently, altered to Sections 366, 342 of IPC and Sections 5(l) read with 6 of POCSO Act. Apprehending arrest, this petition is filed seeking anticipatory bail.

3. In response, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner and the



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victim girl were in love with each other and they eloped. The statement of the victim girl was recorded under Section 164 Cr.P.C. and that the medical examination was also over.

4. Considered the submissions and perused the records.

5. A reading of the statement of the victim girl recorded under Section 164 Cr.P.C., shows that she has not stated anything about the sexual or aggravated sexual assault alleged to have been committed by the petitioner on the victim girl against her will.

6. Considering the nature of the case and the fact that there is no allegation against the petitioner in the 164 Cr.P.C. statement of the victim girl, about the commission of sexual or aggravated sexual assault on the victim girl against her will, this Court is of the view that, the custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant 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 Principal Sessions Judge (Special Court for POCSO Act cases) at Cuddalore**, 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 daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;



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[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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