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Crl.O.P.No.14717 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(l) 5(j) (ii) read with 6 of POCSO in Cr.No. 10/2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner and the victim girl were love each other. Due to the love affairs, she got pregnant and he has not sexually harassed the victim girl. Hence, the learned counsel seeks anticipatory bail to the petitioner.

3. The learned Government Advocate (Criminal side) submits that the petitioner has forced the victim girl to love him and as per the statement given by the victim girl under Section 164, the petitioner has forced the victim girl to love him.



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4. Considering the submissions on either side and on reading of the statement of the victim girl under Section 164, though it was mentioned that the petitioner threatened the de-facto complainant to love him, but she has stated nothing about the sexual assault by the petitioner.

5. Hence, this Court is inclined to grant anticipatory bail to the petitioner for the reason that, custodial interrogation of the petitioner is not necessary now.

8. Accordingly, petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Court No.I, Cuddalore**, 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



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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 10.30 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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