



Crl.O.P.No.17023 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely S.Nirmal, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 366 IPC and 9 of Prohibition Child Marriage Act 2006 and Sections 5(I), 5j(ii) and 6(i) of POCSO Act in Crime No.127 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in a case registered for the offences under Sections 366 IPC and 9 of Prohibition Child Marriage Act 2006 and Sections 5(I), 5j(ii) and 6(i) of POCSO Act in Crime No.127 of 2022. It is his further submission that, petitioner was in love with the victim girl. On the basis of the false complaint given by the defacto complainant, this complaint is given. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, first information report in Crime No.127 of 2022 was registered initially under the caption girl missing, on the basis of the



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complaint given by the aunt of the victim girl, for the reason that, victim girl was in love with the petitioner namely Nirmal and her whereabouts are not known from 05.03.2022.

4. The statement of the victim girl recorded under Section 164 Cr.P.C shows that, victim girl was in love with the petitioner. Therefore, she decided to leave her aunt's house. Victim girl contacted the petitioner through phone and asked him to come and take her with him. Thereafter, she went with the petitioner and was living with him in a house and got conceived. She also stated that, she has now completed 18 years. The first information report in this case was registered on 05.03.2022. It is seen from the first information report that, it is the victim girl who invited the petitioner to come and take her with him.

5. Considering the facts and circumstances narrated above and the fact that Statement of victim girl under Section 164 Cr.P.C is recorded and that, medical examination of the victim girl is also over and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner for the



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reason that custodial interrogation of the petitioner is not necessary and petitioner is 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, Poonamallee**, on condition that the petitioner shall execute separate 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 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., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



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[d] the petitioner shall not tamper with evidence or witness 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.

03.08.2023

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