



Crl.O.P.No.18401 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioner, who apprehends arrest for the alleged offences under Section 366 of IPC, in Crime No.19 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner kidnapped the daughter of the defacto complainant who is aged 17 years. Hence, the case.

3. The learned counsel for the petitioner/accused submitted that there was a love affair between the petitioner/accused and the daughter of the defacto complainant. Initially a complaint was given by the father of the victim girl on 06.07.2023 and the Police, after enquiring the petitioner/accused, closed the complaint. Subsequently, another complaint was given before Konkanapuram Police Station and the same was taken as Crime No.203 of 2023 for the offences under Section 366 of IPC and Sections 5 and 9 POCSO Act. At the time of remand, the learned Sessions Judge, Mahila Court, Salem, had enquired and released the



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petitioner/accused on his own bond and within few days thereafter, the present complaint was given by the father of the victim girl before the AWPS, Sooramangalam/respondent herein as if the petitioner kidnapped the daughter of the defacto complainant and the same was registered in Crime No.19 of 2023. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate submitted that the victim girl was secured and produced before the learned Sessions Judge. The statement under Section 164 Cr.P.C., has been recorded from the victim girl and now the victim girl is under the custody of the District Welfare Officer, Salem.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It appears that the victim girl is closer to 18 years old and after going through the statement of the victim girl recorded under Section 164 Cr.P.C, I am not expressing any opinion. However, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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 Additional Mahila Court, Magistrate Level, Salem** 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., 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;

21.08.2023

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