



Crl.O.P.No.21462 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable Section 376(2)(n) of IPC, Section 9 of Child Marriage Act r/w 5(1), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.18 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that when the minor victim girl aged about 16 years went to hospital for maternity check up, the hospital officials enquired the age of the victim girl and the same was informed to Social Welfare Officer, Gudiyatham. Based on their complaint, a case in Crime No.18 of 2023 has been registered for the offences under Sections 376(2)(n) of IPC, Section 9 of Child Marriage Act r/w 5(1), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012 stating there was a love affair between the victim girl and the petitioner, thereafter, they got married and had sexual intercourse. Due to which, the victim girl become pregnant. Hence, the complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given as against him. He further submitted that the petitioner and the minor victim girl, aged about 16 years, are known to each other and there was a love affair between them thereafter, they got married and had a sexual intercourse. He also stated that the petitioner understands that the statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein, she had admitted that there was a love affair between them and only on her insistence, the petitioner married her and there is no averment as against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and minor victim girl had love affairs, sexual intercourse, due to which, she become pregnant. He further submitted the statement has also been recorded from the minor victim girl under 164 Cr.P.C., wherein, she had admitted that there was a love affair between the petitioner and herself and on her own volition, the petitioner married her. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record including the statement recorded under 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl that the victim and the petitioner were loving each other and she, on her own volition had married the petitioner and also considering the fact that there is no specific allegation made against the petitioner, 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 **POCSO Special Court, Vellore** 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, on every Wednesday and Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall co-operate for medical examination;

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the Petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforenrd 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 Petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**
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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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