



Crl.O.P.No.28382 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 366 IPC in Cr.No.31 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the victim girl aged about 13 years, belonging to the same village and they were known to each other. On the date of occurrence, victim girl's father scolded and beat her due to which she left her home. The petitioner arranged a shelter for her on humanitarian ground. However, the girl returned to her home after a couple of days. Alleging that the petitioner is continuing make calls and he is still threatening the girl, the complaint had been lodged by the girl's family.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant lodged a false complaint before the respondent police stating that the victim girl had not returned home. However, in fact



the girl had already returned to her home. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner called the victim girl through phone and tortured her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that originally complaint was given as "girl missing" and now the girl is secured. She is aged about 13 years. The victim is secured now and statement under Section 164 has also been recorded. As per the statement, the petitioner had called her through phone and tortured her. Therefore, the petitioner is hereby directed to file an affidavit before the trial Court that he would not make any phone call to the victim girl and should not communicate with the victim's family. On such an undertaking affidavit being filed by the petitioner anticipatory bail is granted. If he causes any disturbance in future, the anticipatory bail will be cancelled automatically.



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6. 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 of receipt of a copy of this order, before the learned District Munsif ci, Judicial **Magistrate, Vanur, Villupuram**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 every Tuesday and Saturday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;**

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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(d)the petitioners 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

02.01.2023

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