



Crl.O.P.No.31454 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 6 of POCSO Act read with Section 9 of Child Marriage Act, in Crime No.26 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had love affair with the victim minor girl aged about 16 and married her on 09.12.2022. Subsequently, the petitioner had intercourse with the victim girl and now she is seven month pregnant. Based on the complaint given by the mother of the victim girl, a crime has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the



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petitioner.

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4. The learned Government Advocate (CrI.Side) appearing on behalf of the respondent police submitted that the petitioner is a relative of the victim girl and they got married and had sexual intercourse as husband and wife and she became pregnant. In the statement recorded from victim she had stated that she married the petitioner on her own volition. However he opposed to grant anticipatory bail to the petitioner.

5. Heard the counsels. Perused the statement recorded from the victim under section 164 Cr.P.C.

6. Taking into consideration the facts and submissions of the learned Counsel and the fact that 164 statement has been recorded from the victim, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Mahila Court for**



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trial of POCSO Cases, Chennai, 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 is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.



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[f] 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]**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.01.2023

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