



Crl.O.P.No.9228 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 376 (2) (n) of IPC, 1860 and 5(i) 5(j) (ii), 6(1) of POCSO Act 2012 in Crime No.4 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on 02.10.2023 at about 10.00 Hrs., the petitioner had intercourse with the complainant so many times in his house by saying that the petitioner is having a difference of opinion with his wife and he wants to live with the complainant. Thereafter the defacto complainant suddenly not getting the periods for the last three months and she informed the same to the petitioner. The defacto complainant had a serious stomach pain and her parents took her to the hospital, after the check up doctor informed that the defacto complainant was three months pregnant. While her parents questioning the defacto complainant about her pregnancy she revealed her relationship with the petitioner. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a law abiding citizen and he is no way connected with the offence.



The petitioner is ready to offer adequate sureties and they will abide any condition to prove his innocence. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that both the petitioner and the defacto complainants are relatives. The defacto complainant is aged about 17 years and on assurance the petitioner had intercourse with the defacto complainant and she became pregnant. Statement was recorded from the victim girl and she stated that she had an affair with her uncle. Now investigation is completed and the petitioner is ready to marry the defacto complainant. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration of the facts and circumstances of the case and based on the assurance given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, if the petitioner is not complied with the same the interim anticipatory bail granted by this Court stands dismissed



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7. Accordingly, the petitioner is directed 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 Special Court of POCSO Cases, Thiruvannamalai**, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police on every Saturday 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



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*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 Judge 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.

17.04.2024

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