



Crl.O.P.No.10200 of 2024

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T.V.TAMIILSELVI, J.,

The petitioner, who apprehends arrest for the alleged offence under Sections 366, 342 of IPC and Section 9 of the Child Marriage Act and Section 5(L) r/w 6 of POCSO Act in Crime No.13 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner kidnapped and married the victim girl who is a minor. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner and the victim girl were in love with each other and out of love affair, they eloped and got married without understanding the consequences. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent states that the petitioner kidnapped and married the victim girl who is a minor. He further submits that the statement of the victim girl has also been recorded under Section 164 Cr.P.C. and the investigation is



CrI.O.P.No.10200 of 2024

WEB COPY

almost completed. However, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the nature of the case and also taking into consideration of the fact that the investigation in this case is almost completed and the statement of the victim girl has also been recorded under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the **learned Special Judge for exclusive trial of cases under POCSO Act, Cuddalore**, 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 and on further condition that:



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CrI.O.P.No.10200 of 2024

(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 for a period of eight weeks and thereafter as and when required for interrogation;

(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 anticipatory 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.

11.06.2024

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Crl.O.P.No.10200 of 2024

T.V.TAMILSELVI, J.,

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Crl.O.P.No.10200 of 2024

11.06.2024