



Crl.O.P.No.11542 of 2024

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K.KUMARESH BABU, J.

The Petitioner/Accused in Crime No.27 of 2024 registered by the respondent police for the offences under Sections 5(1)5(j)(ii) r/w. 6(1) of POCSO Act, 2012 and Section 9 of Marriage Act and Sec.363, 366 of IPC, seeks anticipatory bail.

2. The learned Government Advocate (Criminal Side) stated that on the complaint given by one Santhi, Social Welfare Officer, the present complaint has been registered against the petitioner herein that the petitioner and one Jothi, who is below the age of 18 years, were in love affair and consequently, the said Jothi conceived a child and is now eight months pregnant. Hence, this case.

3. The learned counsel for the Petitioner stated that the Petitioner is an innocent person and has not committed any offence as alleged. He has been falsely implicated in this case. Thus, he prays for grant of anticipatory bail to the Petitioner herein.



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4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions. 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 **Mahila Court, Dharmapuri** 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 conditions 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, as and when required for the interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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 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]**.

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

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