



Crl.O.P.No.12508 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 365, 366, 376(1), 376(2)(n) of IPC and Sections 4(1), 5 (j)(II) and 6 (1) of Protection of Child from Sexual Offences Act, 2012, in Crime No.10 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner gave false hope to the daughter of the defacto complainant and promised to marry her. The petitioner had sexual intercourse with her, due to which, she was conceived. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person. The petitioner has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that petitioner had used honey quote words and had sexual intercourse with the daughter of the defacto complainant and due to which the daughter of the defacto complainant became pregnant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and investigation is also completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the **learned District Munsif cum Judicial Magistrate, Gummidipoondi** 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:



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[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 Tuesday and Saturday at 10.30am., for a period of three months 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 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];**

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

05.06.2024

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