



Crl.O.P.No.15916 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 376, 366 and 363 of IPC read with 7, 8, 3(a) and 4 of Protection of Children from Sexual Offences Act (POCSO), 2012 in Crime No.145 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant is the mother of the victim girl, who is aged 17 years. The victim girl is hailing from a village in Tiruvannamalai District and she was pursuing 1st year B.Sc. Optometrics in a College at Dr.M.G.R. University, Chennai by staying in the residence of her maternal aunt. The petitioner/A3 who is Chithappa of victim girl and his Son/A3 have misbehaved with her and had committed sexual assault on her. On 02.04.2024, the victim girl was found missing from home at Thiruvannaamalai District and on the next day, the mother of the girl preferred a complaint before the respondent police that her daughter went missing from 02.04.2024 and the same was taken on file in Crime No.145 of 2024. When the victim girl returned to the police station and on investigation, the above accidents came to light and it was



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also found that the victim girl eloped with the A1 who is her Boyfriend of the victim girl in Karnataka. Hence the case.

2. Learned counsel appearing for the petitioner submitted that the petitioner is innocent person and based upon the statement given by the victim girl, he has been falsely implicated in this case. He also submitted that the petitioner is the close relative of the victim girl and on knowing the love affair between the 1st accused and the victim girl, he gave advice to the victim girl to stop the love affair with the 1st accused. He further submitted that he is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent opposed this petition, stating that, statement has been recorded from the victim girl under Section 164 Cr.P.C, wherein the victim girl stated that the petitioner attempted to make bad touch with the victim girl and further stated that the victim girl was not interested to stay at the petitioner's home. He further submitted that the two anticipatory bail petitions preferred before the Special Court for Exclusive



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Trial of Cases under POCSO Act, Tiruvannamalai were dismissed in Crl.M.P.No.31 of 2024 dated 23.05.2024 and Crl.M.P.No.47 of 2024 dated 20.06.2024 dated 20.06.2024. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

4.Taking into consideration the facts of the case and the submissions made by the learned counsels, and also the fact that investigation in this case is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on **anticipatory bail**, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (**Rupees Ten Thousand only**) with two sureties (**out of which, one shall be the blood related surety**), 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



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Magistrate concerned, failing which, the petition for anticipatory bail shall stands 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 shall report before the respondent police every day at 10.30 a.m for a period of one month;

[c] the petitioner is directed not to make any communication with the victim girl;

[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;

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

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