



Crl.O.P.No. 19837 of 2024

Crl.O.P.No. 19837 of 2024

P. DHANABAL, J.

WEB COPY

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 5(1), 5 (j)(ii) and 6(1) of Protection of Child from Sexual Offences Act, 2012 in Crime No. 12 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the victim girl fell in love with the petitioner and allowed him to relationship and thereafter, the petitioner had committed penetrative sexual assault on her on several occasion, due to which, she gave birth to a male child. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the respondent Police have registered a false case against the petitioner and he has not committed any offence as alleged in the F.I.R. There is a love affair between the petitioner and the de-facto complainant. Therefore, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) submitted that petitioner fell in love with the victim girl. He further submitted that the petitioner had committed penetrative sexual assault on her on several occasion, due to which, she gave birth to a male child. Already statement of the victim under Section 164 (5) of Cr.P.C was recorded. However, he vehemently opposed to grant bail to the Petitioner.

5. Considering the above submissions made by the learned Counsel on either side, there is a love affair between the petitioner and the victim, no previous case is pending against the petitioner and considering the statement of the victim under Section 164 (5) of Cr.P.C was recorded and taking into consideration of the statement given by the victim and the investigation is almost completed and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on 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 ***Fastrack Mahila Court at Krishnagiri***, on condition that the petitioner shall execute a separate 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:

[a] the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the jurisdictional POCSO Court on every Monday 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 appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]***; and;



WEB COPY



Crl.O.P.No. 19837 of 2024

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

21.08.2024

kv



WEB COPY



Crl.O.P.No. 19837 of 2024

P. DHANABAL, J

kv

Crl.O.P.No. 19837 of 2024

21.08.2024