



Crl.O.P. No.20928 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Section 6 of Prohibition of Child from Sexual Offences Act r/w. Sections 4(1), 5(1) (a) of Immoral Traffic (Prevention) Act in Crime No.14 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 03.08.2024, the petitioner along with other accused persons have sexual intercourse with the defacto-complainant and the 1st accused allowed many men to have sexual relationship with the defacto-complainant on several occasions. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is the known person of 1st accused, on because that reason, this petitioner's name has been falsely implicated in this case. This petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this



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petitioner. Hence, he seeks anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) would submit that this petitioner and other accused persons have sexual relationship with the defacto-complainant on many occasions and they have sexually abused the defacto-complainant. In this case, Section 164(5) Cr.P.C. statement of victim girl was recorded. There is no previous case as against this petitioner. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that Section 164(5) Cr.P.C statement of victim was already recorded, considering the statement of the victim and the material part of investigation also completed, no previous case is pending against the petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. 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 days from the date on which the order copy made ready, before the learned **Special Court for Exclusive trial under POCSO Act Cases, Chennai** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Special Court for Exclusive trial under POCSO Act Cases, Chennai on every working day at 10.30a.m. until further orders;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.



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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 269 B.N.S.2023.

05.09.2024

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