



Crl.O.P. No.21389 of 2024

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P. DHANABAL.J.,

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The petitioner apprehends arrest for the alleged offences under Sections 137(2) of BNS and altered into Section 87, 137(2) of BNS r/w.7 & 8 of POCSO Act in Crime No.10 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the complainant have love affair, due to which, the petitioner kidnapped the victim girl and he have forcible sexual relationship with the complainant. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner and the victim are belongs to the same village and they loved each other. On knowing the love affair of the petitioner and the victim girl, the parents of the victim girl were arranged marriage to her, therefore she left from her house. The petitioner has not involved any offences as alleged by the prosecution. 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. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the complainant have love affair, due to which, the petitioner kidnapped the victim girl and he have forcible sexual relationship with the complainant. The victim girl is only 17 years old. In this case, 164(5) Cr.P.C. statement was recorded from the victim girl. There is no previous case is pending against the 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 nature of allegations levelled against the petition and love affair between the petitioner and the victim and the statement of victim girl was also recorded and also considering the statement of the victim girl, there is no previous case as against the petitioner and considering the relationship between the parties and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on



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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 POCSO Act Cases, Salem** 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 POCSO Act Cases, Salem on every Monday at 10.30a.m. for the period of 4 weeks;

[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.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the



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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.

12.09.2024

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