



Crl. O.P. No.21430 of 2024

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P.DHANABAL.J.,

The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 366, 342 of IPC and Sections 5(1) and 6 of POCSO Act, 2012 in connection with the Cr. No.6 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl loved each other and got married and the accused had committed aggravated penetration and sexual assault. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that he has not committed any offence as alleged in the FIR and he is ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the accused has committed sexual assault and penetration on the victim. Hence he objected for the grant of anticipatory bail. Further he submitted that the investigation was



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completed, that the statement of the victim girl was recorded under Section 164(5) of Cr.P.C and that there is no previous case pending against the petitioner.

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

6. Considering the arguments putforth on either side, considering the fact that there was love affair between the petitioner and the victim, that already statement of the victim girl was recorded under Section 164(5) of Cr.P.C., that investigation was almost completed and that there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on 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 **Special Court for the exclusive trial of cases under POCSO Act, Villupuram** 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



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that:

WEB COPY [a] the petitioner shall report before the Special Court for the exclusive trial of cases under POCSO Act, Villupuram on every Monday at 10.30 a.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 them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous 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 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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To

1.The Special Court for the exclusive trial of cases under POCSO Act,



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Villupuram

2.The Public Prosecutor, High Court, Madras.

3.The Inspector of Police, All Women Police Station, Thirukoilur,
Kallakurichi District.

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