



Crl.O.P.No.24582 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(I), 5(J)(2), 6 of Protection of child from Sexual Offences Act, 2012 in Crime No.18 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Ramya, lodged a complaint with the respondent police, stating that she is aged about 17 years and the petitioner had induced her on the promise of marriage and committed penetrative sexual assault on her, thereafter, refused to marry her. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that petitioner is aged about 22 years and the defacto complainant and the petitioner loved each other, for the past four years. He further submitted that the defacto complainant asked the petitioner to marry her, initially the petitioner had thought that the defacto complainant is a major, however, after knowing the fact that the defacto complainant had not attained the age of majority, the



petitioner asked the defacto complainant to wait, but the defacto complainant had lodged this complaint. He further submitted that the parents of the petitioner had also appeared before this Court and they have also expressed their consent for the marriage and further the petitioner had also filed an affidavit that he is ready to marry the petitioner, after she attains majority.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner by stating that the petitioner had induced the minor victim girl, who is aged about 17 years and had sexual intercourse with her, by making false promise of marrying her. He further submitted that the statement of the victim was recorded under Section 183 of BNSS.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR and the statement recorded from the victim under Section 183 of BNSS.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and also taking note of the undertaking affidavit filed by the petitioner, which shall form part of this



Court record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 Exclusive Trial of case under POCSO Act at Thiruvannamalai** 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, failing which, the petition for anticipatory bail shall stand 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 everyday at 6:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.**



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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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