



Crl.O.P.No.26306 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6 of the Protection of Children from Sexual Offence Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 in Crime No.0177 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner have committed a penetrative sexual assault on the minor victim girl and thereby, she became pregnant and delivered a child. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the victim are close relatives. The victim's mother is the elder sister of the petitioner. The victim's father had left the family and that the petitioner and his sister were living in the same house. The family members under an impression that the victim has completed 18 years has arranged for wedding with the petitioner and thereafter, the



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petitioner and the victim were living together as husband and wife and she became pregnant. She would further submit that the victim has also given a statement that she had voluntarily married the petitioner. She would further submit that the petitioner is ready to co-operate for the investigation.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner who is the matrimonial uncle of the victim, married her and she conceived and she has delivered a child. He would further submit that the investigation is pending.

5. Heard the learned counsel and perused the entire materials available on record including the statement of the victim girl.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant 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 **learned Judicial Magistrate - IV, Puduchery**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 station everyday at 10.30 a.m, for a period of two weeks and thereafter shall appear before the respondent police as and when required 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 BNS.

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