



Crl.O.P.No.28459 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 offences punishable under Sections 137(2) of BNS read with Sections 3(a), 4(1), 16 & 17 of POCSO Act in Crime No.204 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, A1 had kidnapped the minor victim girl and committed penetrative sexual assault on her and the other accused, who are friends of A1 are said to have assisted A1 in kidnapping the victim girl. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of A1 and the fact remains that, A1 and the victim girl were in love with each other for a long time and since the victim girl had requested the petitioner to give her lift, petitioner had dropped her at Salem, from where she has gone



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along with A1 with whom she was involved in physical relationship.

Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that, petitioner is the friend of A1 and he assisted in kidnapping the victim girl and A1 had committed sexual assault on the victim girl. He would further submit that, investigation in this case is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

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 statement of the victim girl recorded under Section 183(5) of BNSS, wherein the victim girl has not made allegation of sexual assault against the petitioner.

6. Taking note of the facts and circumstances of the case, the



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submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Fast Track Mahila Court, Tiruppur**, 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



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respondent police everyday at 6.30 p.m., for a period of two weeks and thereafter on every Saturday at 06.30.p.m., until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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