



Crl.O.P.No.28862 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section Girl Missing @ 137(2) of BNS r/w 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 petitioners, who are friends of A1 said to have assisted A1 in kidnapping the victim girl. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case since they happen to be the friends 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 petitioners to give her lift, the petitioners had dropped her at Salem, from where she has gone along with A1 with whom she was involved in physical relationship. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that, the petitioners are 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 petitioners.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent 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 allegations of sexual assault against the petitioner.

6.Considering the facts and circumstances of the case and that the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***Magalir Neethi Mandram, Tiruppur***, on condition that the petitioners shall execute



a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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:

[b] the petitioners shall report before the respondent police daily 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 of BNS.

20.11.2024

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