

Crl.O.P.Nos.9102 & 9104 of 2019

N.ANAND VENKATESH,J.

The petitioners, who apprehends arrest at the hands of the respondent police for an alleged offence under Section 448 IPC 1860 and Section 4 of protection of Children from Sexual offences Act 2012 subsequently it was altered into section 323 of the Indian Penal Code, 1860 r/w Section 5(f), 6, 21(2) of Protection of Children from Sexual Offences Act 2012, in Crime No.41 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl who was studying in the school was wrongly restrained and one of the accused persons Albert, has forcibly had sexual intercourse with the victim girl. These petitioners are the correspondent and Boarding Manager of the school.

3. The learned counsel appearing for the petitioners submitted that these petitioners have nothing to do with the alleged offence and they have been unnecessarily added as an accused in this case. The learned counsel further submitted that these petitioners had attended enquiry conducted by the respondent police and also given their statements.

4. The learned Government Advocate (Crl.Side) submitted the 164 statements recorded from the victim girl by the Judicial Magistrate. A reading of the 164 statement clearly shows that it was Albert who was actually involved in the offence. He further submitted that these petitioners did not inform about the incident immediately and they tried to conceal the entire incident. He further submitted that even though these petitioners

were not shown as an accused in the FIR, in the course of investigation, it was found that these petitioners had attempted to conceal the entire incident and therefore, the respondent police is taking steps to add these petitioners also as an accused persons in the final report.

5. Taking into consideration of the facts and circumstances of this case, and also of the fact that there are no specific over acts as against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirukovilur, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police Monday and Friday at 05.30 pm, 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 these 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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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15.04.2019



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