



Crl.O.P.No.15781 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3, 4 and 21(2) of POCSO Act 2012 in Crime No.5 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Viz. Babitha is that her second daughter aged about 8 years is studying in Don Bosco Elementary School, Vellore. The allegation is that her daughter used to go to school by bus or auto and come home everyday. While so, on 17.02.2020 she had gone to the school and when she returned in the evening, there was some contusion in her cheek. When the *de-facto* complainant enquired about the same, her daughter told her that when she was inside the school, one unknown person under the guise of giving her eatables had taken her to the bathroom and inappropriately touched her private parts. When the child had refused, the person had assaulted her. While so, on the next day of occurrence, the *de-facto* complainant along with her husband and child had gone to



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the Head Master (H.M.) to give a complaint and the H.M. was on leave on that day, hence, they met the Assistant Headmistress (A.H.M.). The AHM on her complaint got antagonised and threatened the *de-facto* complainant and her husband to take T.C. and get away from the school. Again, on the next day, the *de-facto* complainant along with her husband had gone to the office of the H.M. and that the H.M. also shouted at the *de-facto* complainant's husband and also threatened them stating that a complaint will be lodged against him that he had come in an inebriated condition to the school and creating problem. Thereby, the *de-facto* complainant had given a complaint against the unknown person, the H.M. and A.H.M. of the school.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have already been granted anticipatory bail by this Court in CrI.O.P.No.18246 of 2020 dated 16.12.2020. However, due to Covid-19 pandemic situation, the petitioners could not able to comply the earlier order passed



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by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Considering the above fact and circumstances of the case and also considering submission made by the learned counsel appearing for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 learned Judicial Magistrate-III, Vellore, on condition that each of the petitioners 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:



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[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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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