



CrI.O.P.No19892 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8, 11(i), 11(v) r/w 12 of POCSO Act, 2012 in Crime No.7 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that the victim's mother who is the defacto complainant as alleged that the petitioner/accused who is living in the 5<sup>th</sup> floor of her building, had been sexually harassing her daughter. It is further alleged that the petitioner took photos of victim on his mobile phone while she was returning from school and the petitioner/accused at an unspecified date and time, took the victim in the lift to his 5<sup>th</sup> floor and tried to misbehave with her. It is also alleged that the petitioner knocked the door of the defacto complainant at night and when the defacto complainant's daughter, the victim opened the door, the petitioner stood there naked below the waist and used abusive language and she closed the door immediately. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner owned a property in which the defacto complainant is residing there. The defacto complainant is a Advocate. The petitioner has initiated so many legal proceedings to vacate the defacto complainant and it is pending Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had sexually harassed the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and perused the 164 statement of the victim girl and also the fact that there was no sexual assault on the victim girl by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. 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 Special Court for the Exclusive Trial of POCSO Cases, Chennai*** on condition that the petitioner 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 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 daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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

Vv

**25.08.2022**



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