



Crl.O.P.No.20114 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 Section 9(f), 10 of POCSO Act 2012 in Crime No.9 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner in the case is the secondary grade Teacher working at Venkatathan Village, Panchayat Union Primary School, Eariyur, Jolarpet Union and it is alleged that the petitioner is said to have sexually assaulted the children studying in that school. It was reported by the children to their parents and agitations was conducted by them and also by the village people. Based on that information, enquiry was conducted and during that enquiry it was revealed that the petitioner has committed the said act. Hence, the defacto complainant in the capacity of District Child Protection Officer , the present case was registered against the petitioner.

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 and he has been falsely implicated



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in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the petitioner is said to have sexually assaulted the children studying in that school. He would further submit that the statement of victim girl under Section 164 of Cr.P.C has been recorded. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the 164 Statement of the victim girl reveals that the victim girl was tutored and she has stated that the petitioner has touched her.

6. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Sessions Judge, Special Court for Exclusive Trial of Cases under***



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[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 four weeks and thereafter as and when required for interrogation.

[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



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and the petitioner is 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.

25.08.2022

Vv



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