



Crl.O.P.No.20331 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 450 of IPC r/w. 7 & 8 of POCSO Act 2012 in Crime No. 476 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 05.05.2022 at about 6.10 p.m., when the defact complainant was standing in front of her house, a person, who is aged about 35 years, came in Bolero Jeep and asked for snacks, she said go and get in shop and she entered into her house. Thereafter, the said person entered into the house of the victim and misbehaved with her, immediately, she shouted and the said person ran away. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) has produced the statement recorded under Section 164 Cr.P.C and it reveals that the petitioner stopped his car in front of the house of the victim girl and asked for snacks. Therefore, the victim girl scolded the petitioner and lodged a complaint. There is no sexual assault on the victim girl.

5. Considering the above fact and circumstances of the case, custodial interrogation of the petitioner is not required and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 is made ready, before the learned Special Court (POCSO Cases), Cuddalore, 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



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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.

[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.

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