



WEB COPY



Crl.O.P.No.23152 of 2022

Crl.O.P.No.23152 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 354A, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 11(i) and 12 of POCSO Act in Crime No.74 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with others have given sexual torture on the victim girl, pulled her breast and also beaten her by cheppal. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.23152 of 2022

WEB COPY

4. The learned Government Advocate(Crl.Side) appearing for the respondent submits the petitioners along with others have given sexual torture on the victim girl, pulled her breast and also beaten her by cheppal. He would further submit that the statement of the victim girl under Section 164 of Cr.P.C has been recorded. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the 164 Statement of the victim girl, it reveals that there are totally seven accused involved in this case and these petitioners are arrayed as A1 and A4. The petitioners along with others have given sexual torture on the victim girl, pulled her breast and also beaten her by cheppal.

5. Considering the above fact and circumstances of the case and also considering the fact that this Court dismissed the earlier anticipatory bail petition against the petitioners, the respondent failed to secure the petitioners and the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.23152 of 2022

6. Accordingly, the petitioners shall produce the undertaking affidavit stating that the petitioners not to indulge any offence to the victim before the respondent police and on such affidavit, 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 Sessions Judge, Mahila Court at Perambalur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood 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 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 stay at Chennai and report before the Puzhal Police Station daily morning at 10.30 a.m. and evening at 5.30 p.m for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and



Crl.O.P.No.23152 of 2022

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.

23.09.2022

kv



WEB COPY



Crl.O.P.No.23152 of 2022

G.K.ILANTHIRAIYAN, J.

kv

Crl.O.P.No.23152 of 2022

23.09.2022