



**CrI.O.P.No.22719 of 2022**

**A.D.JAGADISH CHANDIRA, J.,**

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The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323 and 506(ii) of IPC, Section 4 of TNPHW Act and Section 12 of the POCSO Act, 2012 in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/minor girl is that she is studying 11th Std in Ashok Nagar, Government School and her sister is studying 9th Std in MGR Nagar, Government School. The mother of the defacto complainant passed away 15years ago and they have been taking care by their Aunty and Uncle. It is the further case is that the accused who are five in numbers, the first accused/Prakash and four other known persons who are from the same locality used to tease and harass the defacto complainant and her sister by abusive and filthy language. Similarly, on 19.08.2022 at 7.30pm, the defacto complainant and her sister were taking water can from there Aunt's house, the accused had abused them and when it was questioned by the Aunty and Uncle of the defacto complainant, the accused have assaulted and intimidated them.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and a false complaint has been given against



them using the victim girl. He would submit that A1, in this case Prakash had relationship with the defacto complainant/alleged victim girl and the cousins of the defacto complainant/Bharath and Balaji and their friends were antognised by the same.

4. On 19.08.2022 at about 7.00pm the cousins of the defacto complainant Balaji and Bharath had seen A1/Prakash speaking with the defacto complainant and enraged by the same, they along with other friends formed into unlawful assembly and attacked A1/Prakash indiscriminately with knife and thereby he sustained grievous injuries. The public in that area had intervened and attempted to protect A1 and in the mele the public chased the accused and the accused persons entered into the house of the defacto complainant and from the upstairs terrace they have hurled explosive substances on the general public. Meanwhile the said Prakash who sustained grievous injuries was taken to Stanley Hospital and on intimation from the Stanley Hospital, the MGR Nagar Police had registered the case against the cousins of the defacto complainat and others in Cr.No.401 of 2022 for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) and Section 3 and 4(a) of the Explosive Substances Act. Only as a counter to the case in Cr.No.401/2022 a false complaint has been given as if the petitioner who are the friends of Prakash alongwith others have teased the victim girl.



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5. He would further submit that Prakash/A1 is still under treatment and police have arrested him. As per the medical report, the A1/Prakash sustained multiple injuries all over the body, as of now his condition is stable. He would submit that the entire case of the defacto complainant is only in counter and retaliation of the earlier complaint given by the A1/Prakash. The entire case is motivated and given on instigation.

6. The learned Government Advocate (crl.side) would submit that the petitioners are residents in the locality. The petitioners along with A1/Prakash have abused and harassed the defacto complainant and her sister in a filthy manner. He would submit that statement under section 164 Cr.PC from the defacto complainant has also been recorded. Hence, he opposed for grant of anticipatory bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record and the FIR in Cr.No.401 of 2022 on the file of the MGR Nagar Police Station and AR copy dated 19.08.2022 relating to Prakash and the statement of the defacto complainant recorded under Section 164 Cr.PC



8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Special Court for POCSO cases, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 Vellore and report before the Sathuvachari Police Station daily at 10.30am for a period of two weeks and thereafter to appear before the respondent police on every Saturday at 10.30am until further orders. It is also made clear that the petitioners shall not enter into the jurisdictional limit of the respondent police for a period of two weeks.

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



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[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.

With the above directions, this Criminal Original Petition is ordered.

**20.09.2022**

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