



Crl.O.P.No.23168 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366, 376(3), 384, 506(i) of IPC and Section 5(1) and 6 of POCSO Act in Crime No.3 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the first accused Dhusar and the defacto complainant had an affair. At the instance of the first accused, the defacto complainant is said to have sent her nude photographs from her mobile phone number xxxxxxxxxxxx to the cell phone of first accused bearing number xxxxxxxxxxxx. Later, seducing her on the promise of marriage, he had sexual relationship with her several times and thereafter, started demanding money on the threat of exposing the photos in the social media network. Hence, the case.

3. The learned counsel for the petitioner would submit that earlier this Court had granted anticipatory bail in Crl.O.P.No.10486 of 2022 dated 06.05.2022. He would submit that since the petitioner was unable to comply the condition, the earlier order got lapsed. However, without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.2,000/- to any



Crl.O.P.No.23168 of 2022

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Welfare Scheme of the Government. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit the petitioner was earlier granted anticipatory bail in Crl.O.P.No.10486 of 2022 dated 06.05.2022. However, he has not surrendered and the earlier order got lapsed. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and that the petitioner has been earlier granted anticipatory bail in Crl.O.P.No.10486 of 2022 and he has not surrendered and that now the petitioner has come forward to deposit an amount of Rs.2,000/- to the any Welfare Scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. However, it is made clear that merely, because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Accordingly, the petitioner shall deposit a sum of **Rs.2,000/-**



CrI.O.P.No.23168 of 2022

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(Rupees Two Thousand only) to the credit of **Taluk Legal Services Authority attached to the concerned Court** and on such deposit, 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 **Special Court for POCSO, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 automatically 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., until further orders.**

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



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Crl.O.P.No.23168 of 2022

A.D.JAGADISH CHANDIRA, J

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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.

23.09.2022

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Crl.O.P.No23168 of 2022