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Crl.O.P.No.23650 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 Section 23 of POCSO Act in Crime No.188 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Udayanarayanan, Reporter is that the petitioner had uploaded the contents in Whatsapp disclosing the name of the minor victim involved in Crime No.187 of 2022. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and the petitioner was an employee of Women and Child Welfare Department and based on the contents of the First Information Report which was available in the website of the Puducherry Police, the petitioner had published the Whatsapp contents. He would further submit that even in the Government website, the name



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of the minor victim girl was disclosed and thereby, the petitioner has also given a complaint against the local police in respect of the lapse committed by them. In this aspect, the *de-facto* complainant has also filed a complaint as against the petitioner. He would further submit that the petitioner would be careful herein after and he would see to that the names of the minor victims would not be disclosed at any cost and he is also ready to file an appropriate affidavit before the learned Magistrate concerned at the time of surrender and executing the sureties. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent would submit that a minor girl was involved in Crime No.187 of 2022. Later, the petitioner had uploaded the content of the F.I.R. in Whatsapp disclosing the name of the minor victim girl. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that



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the *de-facto* complainant is a press reporter and the accused had circulated the Whatsapp contents disclosing the name of the minor victim girl involved in immoral trafficking offence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Heard the learned counsel. Perused the materials available on record. Even in the First Information Report uploaded on the website by the respondent police, name of the minor victim girl has been found. Only based on that, the petitioner had uploaded the contents in the Whatsapp disclosing the name of the minor victim girl. Now the petitioner is ready to file an undertaking affidavit before the learned Magistrate concerned stating that he will be careful in uploading the contents in future and the names of the minor victims would be screened. Taking into consideration the facts and submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, petitioner shall file an undertaking affidavit



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before the learned Magistrate concerned undertaking that he will be careful in uploading contents in future and that he will not disclose the names of the minor victims herein after in any communication and on such undertaking, 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 Judicial Magistrate No.1, Puducherry**, 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 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall at the time of furnishing sureties, file an undertaking affidavit before the learned Magistrate concerned undertaking that he will be careful in uploading contents in future and that he will not disclose the names of the minor victims herein after in any communication.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

31.10.2022
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