



Crl.O.P.No.26003 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 294(b), 341, 324 & 506(i) of IPC and Sections 7 & 8 of POCSO Act, 2012 in Crime No.322 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Nagaraj is that he got three daughters and one son and the first daughter is aged about 16 years and studying in 11th Standard. On 21.05.2022, at around 07.00 p.m., his elder and younger daughter have went to attend the nature call. At that time, A1 one Suresh had stalked the *de-facto* complainant's elder daughter and pulled her nighty and abused her with filthy language. Further case is that, when the *de-facto* complainant questioned A1, the petitioner along with other accused have abused the victim girl and her parents. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the relative of the main accused (A1), namely



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Suresh. Even as per the complaint, the allegations are made against the main accused is that he stalked the victim and pulled her nighty and other than this, there is no allegation regarding sexual assault against the petitioner. Further allegation is that when the *de-facto* complainant questioned the main accused, the petitioner and the other accused have supported him. He would also submit that the main accused has been arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the relative of the main accused one Suresh. He would submit that the said Suresh also admitted to have misbehaved with the victim girl and when the *de-facto* complainant questioned the main accused, the petitioner and other accused have threatened them. He would submit that the main accused had been enlarged on bail and he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C. Taking into consideration the facts and circumstances of the case and



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also the fact that the main accused has been arrested and released on bail, 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 made ready, before the **Special Court for exclusive Trial of Cases under POCSO Act, Cuddalore, Cuddalore District**, 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.

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

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[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.

11.11.2022

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