



Crl.OP.No.27501 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 8 of Prevention of Children from Sexual Offences Act in Crime No.17 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Sandhiya is that she was married to the accused twelve years ago and that her husband was having relationship with several other women and not giving money for family expenses. Whenever the defacto complainant given complaint to the respondent police, they had been advising him and thereafter, he had behaved the same manner. While so, on 20.09.2022, the defacto complainant's daughter had informed the complainant that the accused had misbehaved with her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent. On account of matrimonial dispute,



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a false complaint has been given against the petitioner. He would submit that there used to be quarrel between the petitioner and the defacto complainant. On 22.09.2022, there was a quarrel between them, during which the petitioner had assaulted the defacto complainant and thereby, she had given a false complaint as if the petitioner had misbehaved with her own daughter. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the father of the victim girl and he had inappropriately touched the victim girl. He would further submit that a statement under Section 164 Cr.P.C., has also been recorded from the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record, including the statement under Section 164 Cr.P.C.



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6. Taking into consideration the facts and the submissions and the statement recorded from the victim girl under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

7. 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 Judicial Magistrate Court, Tiruvottiyur 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



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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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

29.11.2022

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