



Crl.O.P.No.28056 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 448, 342, 506(i), 510 of the Indian Penal Code, 1860 and under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.675 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Palani, who is the Principal of the Melseesamangalam Elementary School, Melseesamangalam Village, Cheyyar Taluk, Tiruvannamalai District is that on 20.10.2022 at about 13.15 hours (lunch hours), the petitioner/accused had trespassed in to the School premises in an inebriated condition and lifted the victim child aged about five years on his shoulder and danced in front of the other students. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and without understanding the



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consequences he had entered in to the School in an inebriated condition and an exaggerated complaint has been given. He would further submit that even as per the complaint, there is no allegation that the petitioner misbehaved with the children in the School premises. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner/accused had trespassed in to the School premises in an inebriated condition and lifted the victim child aged about five years on his shoulder and danced in front of the other students. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 **learned Judicial Magistrate, Arni, Thiruvannamalai 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., and 5.30 p.m., until further orders.**

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



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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.

16.11.2022

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