



Crl.OP.No.28782 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 323, 355 IPC r/w Section 11(1) & 12 of POCSO Act, in Crime No.20 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the minor victim girl one xxxx, aged 15 years is that on 05.10.2022, while she was playing along with her sister and friends, the accused had called her and her sister saying that he will give Rs.5000/- and there arose a quarrel. During such time, the accused had taken a fire wood stick and assaulted the victim and her sister one Ramya. When the same was questioned by the parents of the victim girl, the accused and her sister-in-law one Kanaga had assaulted them with slippers. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false complaint has been



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given against them. On 05.10.2022, around 04.00 p.m., while the first petitioner was returning home, the defacto complainant and family members have teased the first petitioner and when it was questioned by the first and second petitioners, the defacto complainant and family members have assaulted the petitioners with slippers and broom stick. Due to which, the first petitioner sustained serious injuries and he was admitted to Government Head Quarters Hospital on the same day. On the complaint given by one Gothandapani, father of the petitioner, a case in Crime No.451 of 2022 came to be registered against the defacto complainant for the offences under Section 355, 323 and 506(1) IPC and only as a counter blast, a false case has been given as against the petitioners. He would further submit that now, the first petitioner has been arrested. However, asfar as the second petitioner is concerned, she has gone to the place of occurrence only to rescue the first petitioner and she has been falsely implicated in this case. Thereby, he prays to grant anticipatory bail to the second petitioner.



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4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner called the victim girl offering to pay Rs.5,000/- and thereafter, he had also assaulted them with broom stick. He would further submit that a statement has also been recorded from the victim girl under Section 164(5) Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6. Considering that the first petitioner has been arrested, this petition stands dismissed in respect of the first petitioner. Taking into consideration the facts and the submissions and the statement recorded from the victim girl under Section 164(5) Cr.P.C., this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions:-



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7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her 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 POCSO Act Cases, Villupuram on condition that the second 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, on every Saturday at 10.30 a.m., until further orders.

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

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



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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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