



Crl.OP.No.28851 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 506(ii) IPC and Section 6 read with 5(1)(n), 12, 6 read with 17, 21(1) of POCSO Act, 2012, in Crime No.15 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the victim girl, aged 20 years was sexually abused by her father from her 12 years of age. When she had informed about the harassment and physical abuse meted out by her to her mother and the petitioner herein, who is her paternal uncle, they have not taken any action regarding the same. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3 in this case and he is none other than the elder brother of A1 and the paternal uncle of the victim girl. The allegation against the petitioner is that the victim is said to have



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informed him about the harassment meted out by her own father and that he did not take any action against his brother. Other than that, there is no allegation of any sexual assault by the petitioner and that when the petitioner came to know about the offence, he is the one who had informed the victim's elder brother and only after the support given by her brother, the victim lodged a complaint against A1. He would submit that A1 has been arrested and remanded to judicial custody and the mother of the victim/A2 had been arrested and thereafter, she has been released on bail by this Court. 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 paternal uncle of the victim girl. Despite knowing the fact of sexual abuse given to the victim girl by the father of the victim who is his brother, he had not informed it to the police. He would further submit that the averments made out against the petitioner would make out the case for the offence under Section 21(1) of POCSO Act, for which punishment would extend



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to maximum period of one year with fine. 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.

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 POCSO Court, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two



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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 daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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



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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.

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