



Crl.O.P.No.30737 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 354(D) of IPC r/w Sections 11(1) and 12 of POCSO Act in Crime No.96 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had committed sexual harassment on the victim girl, who was aged about 16 years. Thereby, the defacto complainant, who is the father of the victim girl lodged a complaint against the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to the love affair between the petitioner and the defacto complainant's daughter, he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that there was a love affair between the petitioner and the defacto complainant's daughter and the petitioner has committed the offence of sexual harassment to the defacto complainant's daughter. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, 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 **learned Special Court for POCSO Cases, Villupuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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



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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 on every Wednesday and Sunday and the petitioner shall not communicate with the victim girl through any mode till the disposal of the case;

[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]**;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

16.12.2022

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