

Crl.O.P.No.32000 of 2022**T.V.THAMILSELVI, J.**

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The petitioner who apprehends arrest for the alleged offence under Sections 11(4) & 12 of Protection of Child from Sexual offences Act, 2012 in Cr.No.39 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant's daughter viz.Tegeshwini had been talking for two years. The defacto complainant's daughter / victim girl suddenly stops talking with the petitioner. Due to which, the petitioner got angry and threatened the victim girl by grabbing her braid. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner is a second year student of Engineering College. He would further submit that the petitioner shall file an affidavit of undertaking before the trial court stating he will not interfere with the victim girl. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent submits that the investigation has been completed. He further



submits that the statement has been also recorded from the victim girl under

Section 164(5) Cr.P.C.

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5. Considering the facts and circumstances of the case and also submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent that the petitioner shall file an affidavit of undertaking before the trial Court stating that he will not interfere with the victim girl and the statement under Section 164(5) Cr.P.C has been also recorded from the minor girl. Hence, 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 of receipt of a copy of this order, before the learned ***Mahila Court, Namakkal*** 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 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 Court concerned 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 as and when required for interrogation;

(c) the petitioner shall file an affidavit of undertaking before the trial court stating that he will not interfere with the victim girl.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.12.2022

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To
The Mahila Court,
Namakkal.



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