



Crl.O.P.No.1758 of 2023

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T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 506(i) of IPC read with 11 & 12 of POCSO Act, in Crime No.778 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's cousin was studying 9th standard in Government Girls Higher Secondary School, Tharapuram. When the victim girl was going to school, the petitioners friend/A1 tortured her to come in his bike, the same was questioned by the defacto complainant. Due to which, the petitioner along with others joined together and attacked the defacto complainant and also caused injuries to her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the friend of A1, he has not aware about the issue and when A1 and the defacto complainant were started quarrel, he has tried to pacify and



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separate them. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent would submit that the petitioner along with others joined together and attacked the defacto complainant and also caused injuries to her. He would further submit that already A3 was arrested and enlarged on bail. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both counsel and the investigation was almost completed, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for POCSO Act, Salem 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



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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 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 every Saturday at 10.30 a.m., for a period of eight weeks and thereafter as and when required.

[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].

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

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