

CrI.O.P.No.2553 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 12 of POCSO Act, 2012 in Crime No.10 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a volley ball coach and the victim girl went to practise volley ball. Whiles the petitioner used to make video calls frequently and messaged her sexually and caused physical and mental agony to her. Hence the case.

3.The learned counsel appearing for the petitioner would submit that he petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. **He further submits that the petitioner is ready and willing to file an affidavit before the Court below that he will not communicate with the victim girl and will not misbehave with other girls who are coming to practice volley ball.** Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner not only misbehaved with the victim girl but he misbehaved with all the girls who are coming to practice volley ball. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the fact that the petitioner is ready and willing to file an affidavit before the Court below that **he will not communicate with the victim girl and will not misbehave with other girls who are coming to practice volley ball**, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 Special Judge, Puducherry** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties (out of which one should be a blood related surety)** 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to file an affidavit before the Court below that **he shall not communicate the victim through any mode and will not misbehave with other girls who are coming to practice volley ball**

(c) **the petitioner shall report before the S.H.O police Station, Odiunsalai on every Tuesday and Saturday at 10.30 a.m., for a period of four months and thereafter appear before the trial Court on all hearing dates.**

(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 anticipatory 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.

07.02.2023

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5

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