

Crl.O.P.No.4707 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 147, 354 A, 506(ii) of IPC and u/s 10 r/w 9 (g) 9(m) of POCSO Act, 2012 in Crime No.136 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners tried to misbehave with the victim child while she was buying pills with her mother/defacto complainant in pharmacy. When the defacto complainant questioned about the same, the petitioners threatened them with a knife. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submits that the investigation has been completed and he produced the statement under Section 164 of Cr.P.C. He further submitted that the first petitioner has been



arrested by the police. However, he opposed for grant of anticipatory bail to the second petitioner only.

5.As regards the first petitioner, he has been arrested by the respondent police. Hence, the Criminal Original Petition with regard to the first petitioner stands dismissed as infructuous.

6. Considering the facts and circumstances of the case and also the fact that the investigation has been completed, this Court is inclined to grant anticipatory bail to the second petitioner only.

7.Accordingly, the second 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 Court Under POCSO Act, Nagapattinam* on condition that the second 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:

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(a)the second 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 second petitioner shall report before respondent police on every Tuesday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

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

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

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

02.03.2023

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To
The Special Court Under POCSO Act,
Nagapattinam



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