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CrI.O.P.No.3510 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 11 (4) and 12 of the Protection of Child from Sexual Offences (POCSO) Act, 2012 and Section 354D of the Indian Penal Code, 1860, in Crime No.5 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Parameswari is that the petitioner/accused had befriended her minor daughter and thereafter taken photographs and videos with her and uploaded it in the social media viz., instgram. When the de facto complainant and her family members requested the petitioner/accused to remove the same, he has threatened the de facto complainant and her minor daughter that he will share the photographs and videos to their relatives and others. Hence the case.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely roped into this case. He would further submit that the fact remains that there was a friendship between the petitioner and the victim girl and the de facto complainant suspecting that there was something more, had wanted to split the friendship between them and had given a false complaint against the petitioner. He would further submit that based on the complaint given by the de facto complainant, enquiry was conducted in the Commissioner's Office and during such time, the petitioner had removed all the photographs and videos and as on date, there is no posting of photographs of the petitioner and the victim girl in the instagram. He would further submit that the petitioner is a college student aged about 20 years studying B.Sc.Computer Science in VLB Janakiammal College of Arts and Science, Kovaipudur, Coimbatore District - 641 042 and further submit that the petitioner is also ready to file an Affidavit of Undertaking before the jurisdictional Magistrate and that he will not upload any photographs, videos in future and he will also not interfere



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with the life of the de facto complainant's daughter (victim girl). He would further submit that the petitioner has no previous case against him. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner/accused has befriended with the de facto complainant's daughter (victim girl) and taken photographs and videos with her and uploaded it in the social media viz., instgram. When the de facto complainant and her family members have asked him to delete the same, he refused and has threatened the de facto complainant and her minor daughter that he will share the photographs and videos to their relatives and others. He would further submit that there is no previous case pending as against the petitioner/accused. He would further submit that 164 statement has also been recorded from the victim girl. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the FIR and 164 Statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel and also taking note of the 164 Statement recorded from the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore District**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties (**out of which, one shall be either father or mother of the petitioner**) 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



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the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 file an Affidavit of Undertaking that he will remove/delete all the photographs and videos of himself along with the de facto complainant's daughter (victim girl) in the social media viz., instagram and also that he will not interfere with the life of the victim girl hereinafter.

[c] the petitioner shall report before the respondent police everyday at 6.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

[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



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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]**.

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

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