



Crl.O.P.No.4313 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 9(1) r/w 10 of POCSO Act 2012 & 67 IT Act in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner sent sexual videos and obscene pictures to the victim girl through social media and compelled her to see the same and continuously harassed her. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the victim girl was also in mutual love relationship with the petitioner and a false complaint has been given against the petitioner. He furthermore submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this



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Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner threatened the victim girl by using obscene photos. He would also submit that a statement under Section 164 of Cr.P.C. has also been recorded from the victim girl. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6. On perusal of the 164 Statement, it is evident that the victim girl has also admitted that she had love affair with the petitioner and they used to chat regularly through social medias, and in one such occasion, the petitioner had sent obscene photos to the victim girl. However, taking into consideration the facts and circumstances of the case and also the fact that the investigation is completed and the cell phone of the petitioner was already seized by the respondent police, this Court is



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inclined to grant anticipatory bail to the petitioner with certain other 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 **learned Additional Mahila Court, Egmore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one must be a blood 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit before the Trial Court stating that he



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would not have any communication with the victim girl and would stay at Kundrathur for a period of six months and would not telecast any of the videos, messages or obscene photos

relating to the victim girl in any of the social media platform.

[c] the petitioner shall report before the Town Police Station, Kundrathur on every Sunday at 10.30 a.m. for a period of six months.

[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.**



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State of Kerala [(2005)AIR SCW 5560];

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

24.02.2023

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