



CrI.O.P.No.5121 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 354(D), 354, 506(ii) of IPC, 7 r/w 8, 11 (i)(iv) r/w 12 and 17 of POCSO Act, 2012 in Crime No.31 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant/ Vanisri is that her second daughter was studying XII Standard and she was a school people leader. While so, on 11.11.2022, her minor daughter classmate one Nitheesh and his elder brother Sanjay had came to the parking slot of the house and had mis-behaved with her daughter and sexually assaulted her. The elder daughter of the defacto complainant raised alarm, thereby, the said Sanjay had ran away from the scene of occurrence. Later, she came to know that the petitioner herein who was the English Teacher in the school had given phone number of the defacto complainant's daughter to the accused. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been unnecessarily roped in this case. He would further submit that the minor daughter of the de facto complainant is a student studying in the school and she had developed relationship with one Sanjay who is the elder brother of her classmate and it had been a long standing relationship. When it came to the knowledge of the petitioner, she had raised the issue with the school management and disciplinary action was initiated against the daughter of the de facto complainant and when the management was taking steps to suspend the victim girl, the mother of the victim had given a false complaint against the petitioner. He would submit that the main accused/A1 has been arrested and released on bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is an English Teacher in the school. She had given the phone number of the victim girl to one Sanjay. Thereafter, the said Sanjay and the victim girl had been in relationship and the said Sanjay had come to the flat of the de facto complainant and



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misbehaved in the parking area of the house. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the statement of recorded from the Victim under Section 164 of Cr.P.C.

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Special Court for Exclusive Trial of POCSO Act, Thiruvallur**, on condition that each of the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the respondent police or



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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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 6.30 p.m., for a period of one week and thereafter as and when required for interogation.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

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