



Crl.O.P.No.6895 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 7 & 8 of POCSO Act 2012, in Crime No.3 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Deepa is that the elder daughter was studying in 5th standard and she used to go to tuition conducted by sembagavalli daughter of Dharmalingam and during such time, the said Dharmalingam had misbehaved with her daughter and touched her inappropriately and kissed her. Hence, the case.

3. The learned counsel for the petitioner would further submit that the petitioner is an innocent person and he has aged about 77 years, out of love and affection and without any bad intent had hugged the victim girl, whereas the victim girl has mistook the same and given a false complaint. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. He also submit that the petitioner is suffering from



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serious health issue and thereby seeks for anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) would submit that the petitioner has hugged the victim girl and inappropriately touched the victim girl and thereby he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides, 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 learned Special POCSO Court, Chidambaram**, on condition that 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 the



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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 report before the respondent police as and when required for interrogation;

[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 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. 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.

30.03.2023

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