



CrI.O.P.No.7617 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 Section 10 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.51 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner who is a married man aged about 44 years has mis-behaved with a child aged about 7 years and had inappropriately touched her breast. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is a labourer working under the defacto complainant and due to tenancy dispute, a false complaint has been given. He further submitted that the investigation has been completed and the charge sheet has also been filed. The petitioner has



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been shown as an absconding accused. He also submitted that the petitioner is ready to surrender and appear before the concerned Court. As the investigation is over and there is no requirement of the custodial interrogation of the petitioner, he prayed that anticipatory bail may be granted to the petitioner.

4.The learned Additional Public Prosecutor (Puducherry) assisted by Mr.A.Alexander, learned Government Advocate appearing for the respondent would submit that the petitioner who is a married man aged about 44 years and mis-behaved with the minor child aged about 7 years by in-inappropriately touching her breast. He further submitted that the investigation has been completed and charge sheet has also been filed and the case is yet to be taken on file.

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



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6. Taking into consideration the facts and circumstances of the case, 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 Principal District Judge, Puducherry**, on condition that the 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, 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.



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**[b] the petitioner shall stay at Karaikal and appear before the concerned Trial Court on all hearing dates. It is made clear that the petitioner shall not enter into the jurisdictional limit of the respondent police station till the examination of the defacto complainant and the victim are completed and thereafter report before the Karaikal Town Station everyday at 7.00 p.m., until further orders.**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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