



Crl.O.P.No.8126 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 alleged offences punishable under Sections 11(3), 12, 13 & 14(1) of the Protection of Child from Sexual Offences Act, 2012 in Crime No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sampooramma is that there was a relationship between the accused and her minor daughter and from the year 2021 and they have been speaking over phone for a long time. The further allegation is that the accused taking advantage of the relationship had compelled her daughter to send her new nude photo and also threatened the victim girl that he would misuse the said photos in the social media. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl are known to each other. Admittedly, even as per the complaint there was a relationship. Other than that the petitioner has not committed any offence. He further submit that the defacto complainant who



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wants to severe relationship of the petitioner with her daughter has given a false complaint as if the petitioner had requested her to send a new nude photo.

He further submit that the petitioner is a student from Andhrapradesh and the victim is in Chennai. He further submit that the petitioner also undertakes that he will not have any contact with the victim hereinafter and he is ready to file necessary affidavit for recording the same. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner and the victim are known to each other and the petitioner taking advantage of the relationship compelled her to send a nude photo in whatsapp and continuously tortured and threatened the victim. Hence, he opposed for the grant of 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 by the learned counsel on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 Special Court for POCSO, Chennai**, on condition that the petitioner shall execute a 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 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 on everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.**

(c) the petitioner shall also file an affidavit of undertaking before the learned Judicial Magistrate that he will not interfere with the victim girl in future.



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[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. State of Kerala [(2005)AIR SCW 5560]**.

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

17.04.2023

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