



Crl.O.P.No.12262 of 2023

Crl.O.P.No.12262 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 341, 506(ii) of IPC and Section 8 of Protection of Child from Sexual Offences Act, 2012 @ Sections 294(b), 352 of IPC and Section 8 of POCSO Act, 2012 in Crime No.301 of 2019, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Devi is that on 25.05.2019, she had gone to attend a temple festival along with her minor daughter, aged 14 years, during such time, A1, who is known to them, had pulled her daughter's hand and attempted to misbehave with her. When it was questioned by the defacto complainant, A1 along with his friends had threatened her, abused her and also assaulted her. At that time, when the relatives of the defacto complainant have intervened them, the accused have also assaulted her relatives. Hence the case.



Crl.O.P.No.12262 of 2023

WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped-in in this case. He would submit that the petitioners are not aware of the incident and their names does not find place in the First Information Report. He would submit that the respondent Police, suspecting that the petitioners are also the friends of the main accused, had implicated the petitioners in this case and the petitioners were shown as absconding accused and the final report has been filed and the case has been taken up for trial in Spl.S.C.No.55 of 2023 on the file of the Special Court for exclusive trial of cases under POCSO Act, Chennai and NBW has also been issued against them. He would also submit that the petitioners have got permanent residence and even as per the complaint, there is no allegation as against them for having misbehaved with the minor victim girl. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are the friends of the main accused and A1 has misbehaved with the minor daughter of the defacto



CrI.O.P.No.12262 of 2023

WEB COPY

complainant and when it was questioned by the defacto complainant and her relatives, A1 along with his friends have abused them and attempted to assault them. He would further submit that the main accused was arrested and he had confessed that the petitioners were present along with him in the scene of occurrence and they have also abused and assaulted the defacto complainant and her relatives. He would further submit that the petitioners were not arrested during the course of investigation and absconding charge sheet has also been filed, pursuant to which, the trial Court has issued Non Bailable Warrant of arrest against them. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel and perused the entire materials available on record including the statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking



Crl.O.P.No.12262 of 2023

WEB COPY

note of the fact that there is no specific allegations as against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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 petitioners and the sureties shall
affix their photographs and Left Thumb Impression



WEB COPY



CrI.O.P.No.12262 of 2023

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 learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the date fixed by the learned trial Judge;

[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]**;



WEB COPY



Crl.O.P.No.12262 of 2023

A.D.JAGADISH CHANDIRA, J.

vkrr

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

02.06.2023

vkrr

Crl.O.P.No.12262 of 2023