



Crl.O.P.No.10380 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 363, 366, 376(1) and 511 of IPC r/w Sections 10(4) and 18 of Protection of Children Sexual Offences Act, 2012, in Crime No.09 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused had taken the defacto complainant's minor daughter aged about 17 years to a secluded place and attempted to rape her and also assaulted her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against the petitioner. He would further submit that the petitioner is aged about 23 years and the defacto complaint's daughter is aged about 17 years and there was a love affair between the petitioner and the defacto



Crl.O.P.No.10380 of 2023

complainant's daughter and on coming to know about the same, the defacto complainant has given a false complaint against the petitioner as if, he attempted to rape her minor daughter. He would further submit that on the instigation of the defacto complainant, the victim girl has given a false statement before the respondent police and that there is a long delay of 25 days in lodging the complaint. He would also submit that the petitioner is ready and willing to abide any stringent condition that may be imposed on him. Hence, he would pray for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that petitioner who is the neighbour of the defacto complainant, had taken the defacto complainant's minor daughter to a secluded place and attempted to rape her and also assaulted her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records and including the contents of the FIR.



CrI.O.P.No.10380 of 2023

WEB COPY

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 Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai**, 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.



Crl.O.P.No.10380 of 2023

WEB COPY

[b] the petitioner shall stay at Thiruvallur and report before the Thiruvallur Town Police Station everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police station.

[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]**.

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

08.06.2023

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Crl.O.P.No.10380 of 2023

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Crl.O.P.No.10380 of 2023

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