



Crl.O.P.No.10598 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(i), 12 of the POCSO Act in Crime No.6 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Hemalatha, is that the accused who is the head of the Department of Physics with sexual intent, touched on her back side when she was inside the lab. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the head of the Department of Physics at Thiruvallur Arts and Science College, Rasipuram and he has put in unblemished service for past 15 years and he used to be a strict professor and since the defacto complainant along with male a student had behaved inappropriately inside the lab, the



Crl.O.P.No.10598 of 2023

petitioner had reprimanded them and in order to take revenge, the defacto complainant has given a false complaint against him. He would further submit that the occurrence is stated to have taken place on 23.03.2023 and the complaint is made to the Principal of the College much belatedly on 26.04.2023 and thereafter, the complaint has been given on his instruction to the respondent police on 27.04.2023 and it shows that it is a complaint given on instigation. He further submitted that, during lab hours, there were 20 to 30 class students inside the lab and the possibility of incident to have happened is also not possible. He would further submit that there is no previous allegation against him. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner, who is the head of the Department of Physics had inappropriately touched the student when she was inside the lab. Hence, he objects for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.



6. Considering the above fact and circumstances of the case and also 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 Fast Track Mahila Court, Namakkal**, 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.

[b] the petitioner shall stay at Trichy and report before the Thillainagar Police Station everyday at 10.30 a.m., until further orders. However, it is made clear that



Crl.O.P.No.10598 of 2023

WEB COPY

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

08.06.2023

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Crl.O.P.No.10598 of 2023

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