



Crl.O.P.No.11099 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 9(f), 9(m) and 10 of Protection of Children from Sexual Offences Act, 2012 (POCSO), in Crime No.06 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Suganya is that her elder daughter aged about 5 years is studying UKG in the A1's school. On 11.04.2023, A1/Pakkirisamy had sexually assaulted the minor girl by pinching her private parts and inappropriately behaved with her. Insofar the petitioner is concerned, she is a teacher cum administrative staff of the school. 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 registered against her. He would further submit that ever as per the FIR, the



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allegations are attributed only against the 1st accused who is the correspondent of the school and the petitioner's name is falsely implicated in this case as if, she had failed to report the incident to the parents of the victim child since she happens to be the teacher cum Administrative Manager of the school and that there is no other allegation as against the petitioner. 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 the 1st accused is running the school in which the victim child is studying and he is the correspondent of the school. He further submitted that the 1st accused had sexually assaulted the minor victim girl by pinching her private parts and inappropriately behaved with her. He would also submit that when the victim child informed the same to the petitioner who is her teacher, she has also beaten the victim child at the same spot. Hence, he vehemently opposed to the grant anticipatory bail to the petitioner.



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5. In reply, the learned counsel for the petitioner would submit that in the FIR, there is absolutely no allegation against the petitioner in the FIR and her name has been later implicated as an after thought and thereby, he would pray for the grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on records.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Special Court for the Exclusive Trial of POCSO Act Cases, Cuddalore District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties,



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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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.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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