



Crl.O.P.No.11581 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 147, 148, 341, 294(b), 323, 324, 506(2), 354(A), 354B and 354D of IPC and under Sections 7, 8, 11(1), 11(4) & 12 of POSCO Act and Section 4 of Women Harassment Act, in Crime No.105 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. There are totally six accused involved in this case and the petitioner is arrayed as A1. The case of the prosecution is that while the defacto complainant and her sister were going to her house, the petitioner/A1 along with other accused, after consuming liquor, showed a torch light against her and misbehaved with her in a drunken mood when the same was questioned by her brother-in-law, the petitioner along with other accused abused her and her family members in a filthy language. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the



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petitioner is an innocent and he has been falsely implicated in this case. He would submit that there was a quarrel between the petitioner and the family members of the defacto complainant and a false complaint has been given by the defacto complaint who is a minor. He would submit that even as per the FIR, the allegations are against one Vinoth who is stated to have inappropriately touched the victim girl and the said Vinoth was arrested and he has been granted bail and as far as the petitioner is concerned except he being alleged to be present in the scene of occurrence, he has not committed any offence as alleged by prosecution and there is no previous case pending against the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with his friends were consuming liquor in a open place and the victim girl aged 15 years along with her family members were going near that area, the accused had shown a torch light on her and when it was questioned by the family members the petitioner along with other accused have abused and misbehaved and one Vinoth had inappropriately touched the victim



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girl and the said Vinoth has been arrested and he has been enlarged on bail. He would submit that there is no previous case pending against the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides and also taking note of the fact that the statement recorded from the victim under Section 164 Cr.P.C., 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 Trial Court POSCO Cases, Cuddalore**, 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



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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 Chennai and report before the North Beach Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter report before the respondent police everyday at 5.30 p.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**



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Kerala [(2005)AIR SCW 5560].

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

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